

**CC No. 85H/16**

**PS: Hauz Qazi**

**Durgawati Jaiswal Vs. State (NCT of Delhi)**

**04.06.2016**

**Pr: Sh. Anuj Aggarwal, counsel for complainant in person.**

Ld. Counsel for complainant made oral submissions on application of complainant u/s 156(3) IPC. Status report of police also perused.

Ld. Counsel for complainant submits that Complainant Smt. Durgawati Jaiswal is 67 years old lady and she is owner of property bearing No. 1320-1321, Nagina Mahal, Farash Khana, Delhi-110006. Ld. Counsel for complainant also submits that MCD vide notice dated 22.02.2016 ordered owner and occupants to vacant/demolish the said dangerous old building. Counsel for complainant further submits that accused persons namely Mohd. Ahmad, Rizwan, Danish, Iqbal, Aamir, Zaidi, Nafis, Fahim Shahdab and Karman are still occupying the said building despite vacation/demolishion order of MCD and request of old lady owner. Counsel for complainant further submits that Junior Engineer of MCD had cautioned building owner to obey the direction of MCD, otherwise, she would be responsible for any injury caused to anyone on account of collapse of said building.

Accordingly, complainant had put up lock and chain on said houses on 22.02.2016. However, on 28.02.2016 it was found that lock and chain of said houses were broken. Ld. Counsel for complainant further submits that accused persons had also extended threat to the complainant, when she visited her said houses. Now, counsel for complainant claimed that accused persons had committed offence punishable u/s 291 IPC by occupying said dangerous building despite vacation/demolishion notice of MCD. Ld. Counsel for complainant also claimed that accused persons had committed offence punishable u/s 448 IPC by breaking lock and chain of said

houses put by complainant and offence punishable u/s 506 IPC as they have extended threat to the complainant at the time of her visit at said houses. Ld. Counsel for complainant also argued that complainant is 67 years old lady senior citizen and therefore, she is not in a position to collect evidence to prove said offences against the accused persons. Accordingly, Ld. Counsel for complainant requested the Court to direct police to investigate said offences u/s 156 (3) of Cr.P.C.

Having heard submissions of Ld. Counsel for complainant and gone through contents of complainant and notice of MCD, this court is of considered view that information discloses commission of some cognizable offence which requires to be investigated properly.

Court is also mindful of recent observation of the five judges constitutional bench of Hon'ble Supreme Court of India of Lalita Kumari Vs. Govt. of UP in writ petition (Crl.) No. 68/2008 dated 12.11.2013 as to mandatory resigatration of FIR, if information discloses commission of cognizable offence. It is also noticeable that credibility of information is not pre-requisite condition for registration of FIR.

Accordingly, SHO concerned is directed to register FIR within 5 working days after receiving this order and get it investigated as per law.

Meanwhile, matter is adjourned for further consideration on 15.12.2016.

Copy of this order be sent to SHO concerned for information and complainant.

(Rakesh Kumar Rampuri)  
MM-8/Central/Delhi  
04.06.2016