



2026:DHC:7916



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 16.09.2026# **CNR No. DLHC010437902026**+ **W.P.(CRL) 2845/2026**

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.....Petitioner

Through: Mr. Dinesh Kumar and Mr. Jai
Subhash Thakur, Advocates.

versus

THE STATE GOVT OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Anand V Khatri, ASC with ASI
Hans Kumar.**CORAM: JUSTICE GIRISH KATHPALIA****JUDGMENT (ORAL)**

1. For convenience, prayer clause of the petition is extracted below:

- (a) *To Direct the S.H.O. of P.S. of Ashok Vihar through DCP of North West District to expedite the complaint given through S.P. No. ED495407416IN, Dated 10/08/2026 of the petitioner.*
- (b) *To Direct the S.H.O. of P.S. of Ashok Vihar through DCP of North West District to provide protection to the petitioner.*
- (c) *Pass any further order as this Hon'ble Court may deem fit, just and proper in the present facts and circumstances of the case in the interest of justice.*

2. Learned counsel for petitioner, on being called upon to address preliminary submissions, especially on the first prayer of the petition,



2026:DHC:7916



submits that earlier the petitioner repeatedly went to PS Ashok Vihar but her complaint was not accepted, so she had no option but to send the same through Speed Post.

3. Further, in response to a specific query, it is stated by learned counsel for petitioner that the complaint in question was lodged by the petitioner (*mother of the alleged victim*) against her father-in-law. It is also apprised by learned counsel for petitioner that the petitioner (*mother of the alleged victim*) is already embroiled in matrimonial litigation with her husband, who is son of the accused.

4. Learned ASC, assisted by IO/ASI Hans Kumar from PS Ashok Vihar, appearing on advance intimation submits that despite being repeatedly requested, the petitioner has not been coming forward to make her statement in enquiry. It is submitted that since the petitioner is already embroiled in matrimonial litigation with her husband and keeping in mind the recent trend of lodging false complaints of sexual misconduct against close relatives of the husband, an enquiry was considered necessary before registering the FIR. It is also submitted by learned ASC that the accused is aged above 70 years.

5. In view of above circumstances, since the petitioner herself has not been coming forward to join enquiry and make statement, there cannot be an occasion to direct expeditious action on her complaint. The present petition can also be not treated as a petition for direction to the police to register FIR, because it is settled law that writ jurisdiction cannot be invoked to direct



2026:DHC:7916



registration of FIR. Therefore, the first relief sought in the petition cannot be granted.

6. So far as the second relief of providing protection is concerned, ASI Hans Kumar has handed over to the petitioner present in court, the mobile phone number of the concerned Beat Constable to whom she may contact at the time of distress.

7. Accordingly, the petition stands disposed of.

**GIRISH KATHPALIA
(JUDGE)**

SEPTEMBER 16, 2026/ry