



2025:DHC:9392



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision: 15th October, 2025***+ **W.P.(CRL) 1365/2025, CRL.M.A. 12800/2025****YOGESH PAL**

S/o Ram Sarup Pal

R/o Andh Vidyalaya,

Panchkuya Marg, New Delhi.

VARUN SINGH

S/o Ramshu Singh,

R/o Andh Vidyalaya,

Panchkuya Marg, New Delhi.

.....Petitioners

Through: Ms. Parmeshwari Kumari Dhayal,
Mr. Dinesh Chand Meena,
Mr. Sourabh Rai, Mr. Aman Dalal,
Mr. Aman Kumar, Mr. Salman Khan,
Ms. Rubina, Ms. Shruti Agarwal and
Mr. Ashish Singh, Advs.

versus

STATE OF NCT OF DELHI

Through

The Commissioner of Police,

Police Headquarters,

Jai Singh Marg, New Delhi – 110001

.....Respondent

Through: Mr. Anand V. Khatri, ASC with Mr.
Aditya Khatri, Advocate.

CORAM:**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA****J U D G M E N T (oral)**

1. Writ Petition under Article 226 of the Constitution of India has beenfiled on behalf of the Petitioners with the following prayers:

“1. Issue an appropriate writ, order or direction,



including a writ and/or Mandamus, directing an independent, impartial, and time-bound inquiry into the incident of illegal detention, physical assault, and abuse committed against the Petitioners and other students by the police officials of Mandir Marg Police Station, New Delhi, on 12.03.2025;

2. Issue a writ of Mandamus or any other appropriate writ/order/direction, directing the Respondents to preserve and produce the CCTV footage of Mandir Marg Police Station dated 12.03.2025, from 12:00 PM to 12:00 AM, to assist in the fair adjudication of the present matter;

3. Pass appropriate orders for disciplinary and criminal action against the erring police officials, including the Investigating Officer, Mr. Rajeev Kumar, and other personnel involved in the illegal detention, custodial abuse, threats, and verbal assault of the Petitioners, especially in light of their status as persons with visual disabilities;

4. Award suitable monetary compensation to the Petitioners for the mental trauma, physical harm, unlawful detention, violation of fundamental rights under Articles 14, 19, 21, and 22, and for the discriminatory treatment meted out to them as persons with visual disabilities, in accordance with the principles laid down by the Hon'ble Supreme Court in D.K. Basu v. State of West Bengal; and

5. Issue appropriate directions or guidelines to the Delhi Police, to ensure that in all future instances involving persons with disabilities, especially those who are visually impaired, police officers act with due care, sensitivity, and legal compliance, including mandatory presence of a guardian, legal aid counsel, or neutral third party and any direction that this Hon'ble Court deems fit.”

2. It is submitted in the Writ Petition that incident happened on 12.03.2025 at Andh Vidyalaya Hostel, Panchkuya Marg, New Delhi, involving forceful eviction of one Balbir Prasad. An altercation took place



between the visually impaired students (Petitioners herein) and hostel staff. The Petitioners were detained in the Police Station without food, water and communication and were eventually released at around mid-night, after being threatened.

3. Petitioners discovered that an FIR has been registered against them without being informed on the date of detention. They visited the P.S. Mandir Marg on 15.03.2025 and obtained a copy of the FIR. They made Representation dated 15.03.2025 to the Commissioner of Police, highlighting the misconduct of Police and sought appropriate action, though no action has been taken till date.

4. The Petitioners submits that no Arrest Memo was given to the Petitioner and no grounds of arrest were provided and family members of the Petitioners were also not informed about their detention. Guidelines issued by the Hon'ble Supreme Court in D. K. Basu vs. State of West Bengal, (1997) 1 SCC 416 have also not been followed.

5. Reliance is placed on Prabir Purkayastha vs. State (NCT of Delhi), (2024) 8 SCC 254, wherein it has been emphasized that the grounds of arrest or detention must be furnished in writing to the arrestee. The detention of Petitioners was in violation of their Right to life and dignity under Article 21 of the Constitution of India.

6. Reliance is also placed on Rakesh Kumar Divyang vs. State of NCT of Delhi, W.P.(CRL.)338/2022, wherein Standard Operating Procedures (SOPs) while dealing with persons with disabilities, has been detailed.

7. It is asserted that this was clear abuse of authority and misuse of public power and denial of Right of Petitioners to food, water, and communication and prolonged illegal detention till late night, without following due process.



Refusal to answer the Petitioners' repeated queries regarding the identity of the Officers, their designations or reasons for detention and the silence of the Police, show calculated attempt to suppress procedural safeguards and circumvent accountability.

8. Failure to allow medical assistance or legal aid and the unexplained delay in releasing the Petitioners even after their friends intervened, indicates a deliberate act of mental and custodial harassment. Petitioners, being visually impaired, were not just deprived of their liberty, but also denied the reasonable accommodation and protective oversight that is expected and mandated under the Rights of Persons with Disabilities Act, 2016, which guarantees equal protection and non-discrimination.

9. The conduct of the Police officials has shaken the Petitioners' trust in public institutions and has instilled a fear of reprisal and further harassment; thus, necessitating not only judicial scrutiny but systemic reform through binding directions and exemplary relief. Registration of FIR behind the backs of the Petitioners, is manipulation of the process of law and an attempt to justify wrongful detention *post-facto*.

10. There is violation of Sections 3, 6 and 7 of the Rights of Persons with Disabilities Act, 2016 and also violation of Standing Circular dated 06.08.2010 issued by the Deputy Commissioner of Police, Delhi Headquarters.

11. ***Status Report has been filed on behalf of the State***, wherein it is submitted that on 12.03.2025 at around 10:00 AM, Vice Principal Sh. Dhirender Singh, along with Assistant Teacher Hitesh Kumar Ganga, was preparing question papers for the annual examinations, in his Office at Andh Vidyalaya Hostel, Panchkuinya Road, New Delhi. At that time, Hostel



Warden Rajeev Kumar came to the office with student Lallan, requesting that an outsider, Balbir Prasad, be allowed to stay in the Hostel. Vice Principal Dhirender Singh refused, stating that outsiders cannot stay in the Hostel without proper permission. This led to a verbal altercation between Lallan and the Vice Principal.

12. During this commotion, four students namely Yogesh Pal, Varun Singh, S. and R. (Both CCL) entered the Office. Varun Singh was carrying a cricket bat. They physically pushed and assaulted the Vice Principal and Assistant Teacher Hitesh Kumar Ganga, who tried to intervene. Following the assault, the students locked the Vice Principal and Hitesh Kumar inside the Office. The Vice Principal managed to contact the Police.

13. Police from Mandir Marg Police Station, along with Fire Brigade Staff reached the spot and rescued the Vice Principal and Assistant Teacher. Both victims were immediately sent for Medical Examination at Lady Hardinge Medical College, where injuries were recorded in MLCs that Vice Principal Dhirender Singh had pain in neck and Assistant Teacher Hitesh Kumar Ganga had complaint of chest pain. The injuries were opined to be *Simple*.

14. FIR No.0027/2025 under Sections 127(2)/115(2)/3(5) BNS, 2023, was registered at P.S. Mandir Marg against the four students based on the Complaint of Vice Principal. Investigations were conducted under the provisions of BNSS and in accordance with guidelines issued by the Hon'ble Supreme Court.

15. *Yogesh Pal and Varun Singh* were arrested and released on Bail the same day, with information provided to their surety Mr. Manoj Yadav & Mr. Vidhan Kumar, respectively. Juveniles S and R were handled by the Juvenile Justice Board, where they both admitted their involvement in this incident and



were admonished with directions not to repeat the offence.

16. Balbir Prasad, the outsider mentioned by Petitioners, never filed any Complaint with the Police regarding the incident. The investigation is ongoing and FIR and MLC documents clearly support that the action taken by Investigation Officer was lawful and necessary. Petitioners claim of illegal detention, harassment or discrimination in Complaint dated 15.04.2025 is baseless and the Complaint has been filed just to pressurize the I.O., to restrain him from conducting fair & impartial investigation.

17. *Preliminary Submissions* are made that the present Writ Petition is not maintainable, as the Petitioners have efficacious alternate remedies available under law, including remedies under BNSS. The allegations made in the Writ Petition are false, exaggerated and misconceived and material facts have been suppressed in regard to FIR, arrest, Bail and police investigations. Allegations of illegal detention, custodial harassment, deprivation of food/water, and denial of communication, are emphatically denied. Police acted in accordance with law under the provisions of BNSS and arrest and subsequent release of the Petitioners, were procedural.

18. On merits, all the allegations made in the present Writ Petition are denied and claimed to be exaggerated. It is submitted that CCTV footage, if available, would be collected. The representation of Petitioners dated 15.04.2025 was found to be false on enquiry and they were only to pressurize the IO, and to desist him from conducting fair and impartial investigations.

19. It is submitted that present Writ Petition is without merit and is liable to be dismissed.

Submissions heard and record perused.

20. This Writ Petition has been preferred by two visually-impaired



students, namely, Yogesh Pal and Varun Singh pertaining to the incident which occurred on 12.03.2025 at Andh Vidyalaya Hostel, Panchkuya Marg, New Delhi.

21. The **short question** involved in the present matter is *whether a Writ in the nature of Mandamus can be issued directing the Police to direct an independent, impartial and time-bound inquiry into the alleged incident of illegal detention, physical assault, and abuse committed against the Petitioners and other students by the police officials of Mandir Marg Police Station, New Delhi dated 12.03.2025?*

22. The said incident pertains to an altercation between the college staff, namely *Mr. Dhirender Singh* (Vice Principal), *Mr. Hitesh Kumar Ganga* (Assistant Teacher), and *Mr. Rajeev Singh* (Warden), and some of the students on the issue of stay of one *Balbir Singh*, an ex-student, which could only be done after seeking of appropriate permission.

23. During the said altercation, the Vice Principal and the Assistant Teacher were locked inside the office of the Vice Principal, who immediately made a call to the Police. The two persons were then rescued by the Police upon their arrival. They were thereafter, sent to Lady Harding Medical College where injuries were recorded in the MLCs as Simple in nature.

24. The FIR was registered against the four students based on the Complaint of the Vice Principal. Two of the students, namely S. and R. were sent to the Juvenile Justice Board.

25. The Petitioners have submitted that they were taken to the Police Station at around 1 PM, and released at 11:30 PM. They were neither provided with food or water during the said period, nor were they permitted to make any call till around 9 PM, when they were able to call a friend. The



Petitioners have further submitted that their phones were switched off, and they were released after signing some documents, the contents of which were not read out to them.

26. The present Writ Petition essentially seeks judicial intervention to direct an independent inquiry into Police conduct. However, settled legal principles circumscribe the exercise of extraordinary writ jurisdiction in matters where statutory remedies are available and adequate. The invocation of Article 226 of the Constitution cannot be permitted to bypass the statutory framework provided under criminal law, particularly when alternative efficacious remedies exist.

27. In this regard, reference be made to the observations by the Apex Court in Sakiri Vasu vs. State of U.P., (2008) 2 SCC 409, wherein it has been categorically held that the High Court should not encourage or entertain a writ petition or a petition under Section 482 Cr. P.C. for registration of an FIR, as there is already a remedy available under Section 156(3) Cr. P.C. It was observed thus:

*“27. As we have already observed above, the Magistrate has very wide powers to direct registration of an FIR and to ensure a proper investigation and for this purpose he can monitor the investigation to ensure that the investigation is done properly (though he cannot investigate himself). **The High Court should discourage the practice of filing a writ petition or petition under Section 482 Cr. P.C. simply because a person has a grievance that his FIR has not been registered by the police, or after being registered, proper investigation has not been done by the police.** For this grievance, the remedy lies under Sections 36 and 154(3) before the police officers concerned, and if that is of no avail, under Section 156(3) Cr. P.C. before the Magistrate or by filing a criminal complaint under Section 200 Cr. P.C. and*



not by filing a writ petition or a petition under Section 482 Cr. P.C.”

28. The aforesaid principles were further upheld by the Apex Court in Sudhir Bhaskarrao Tambe vs. Hemant Yashwant Dhage, (2016) 6 SCC 277, wherein it was observed that if the High Courts began entertaining such writ petitions, they would be flooded with such petitions “*praying for registration of the first information report or praying for a proper investigation, and will not be able to do any other work except dealing with such writ petitions. The complainant must avail of his alternate remedy to approach the Magistrate concerned under Section 156(3) Cr. P.C. and if he does so, the Magistrate will ensure, if prima facie he is satisfied, registration of the first information report and also ensure a proper investigation in the matter, and he can also monitor the investigation.*”

29. In the present case, while the Petitioners’ grievances regarding their treatment during detention merits consideration, the appropriate forum for such grievances is not the Writ Court in the first instance.

30. Furthermore, it is material to note that the Status Report reveals that an inquiry has already been conducted by the Police. Two of the students, namely S. and R. were sent to the Juvenile Justice Board. As per the Status Report, the Juveniles S. and R. had both admitted their involvement in the incident before the Juvenile Justice Board and were admonished with directions not to repeat the offence.

31. The Petitioners have already filed a Representation before the Commissioner of Police, Delhi Police Headquarters regarding the alleged misuse of authority and unlawful detention of students at Andh Vidyalaya, Panchkuya Marg. In any case, the Petitioner if not satisfied, has an alternate



2025:DHC:9392



remedy of approaching the Magistrate under Section 175(3) of the BNSS. The exercise of extraordinary jurisdiction under Article 226, in the given circumstances, is not warranted.

32. There is no merit in the present Petition, which is hereby disposed of along with pending Applications(s), if any.

33. The Petition is accordingly disposed of with liberty to approach the appropriate court as per law.

NEENA BANSAL KRISHNA, J.

OCTOBER 15, 2025/R