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

CNR No. DLHC010456832022

+ **CRL.M.C. 6529/2022, CRL.M.A. 25428/2022**

JAI BHAGWAN SHARMA & ORS.

.....Petitioners

Through: Mr. Shekhar Prit Jha and Ms.
Akansha Yadav, Advs.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Satish Kumar, APP for State
with Mr. Aditya Vikram Singh, Ms.
Upasana Bakshi and Ms. Divya
Bakshi, Advocates
SI- Abhay Bhati, PS: Laxmi Nagar
Ms. N. Ananya Sharma (amicus
curiae) with Mr. Naman, Advocate
for R-2

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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17.08.2026

1. At the outset, learned counsel for the petitioners has handed over a copy of order dated 27.09.2023 passed by a Co-ordinate Bench of this Court in CONT.CAS(C) 841/2018, the relevant contents thereof reads as under:-

“1. This is a petition seeking initiation of contempt proceedings against the respondent for violation of the judgment and order dated 24.07.2018 passed in RFA No. 567/2018 and for not complying with the undertaking dated 08.08.2018 given before this Court.

2. On 24.07.2018, this Court recorded that the respondent shall file an undertaking to vacate and hand over



physical possession of the suit property i.e. 50 sq. yds. in property bearing No. F-163, Laxmi Nagar, Delhi-110092 to the petitioner.

3. The respondent is present in Court and has handed over physical possession of the above premises to the petitioner today. However, she states that one fridge, two beds, one ceiling fan, one water pump and other materials are lying in the premises. Only for the limited purpose of removing the same, she will visit the premises on 05.10.2023 at 12:30 pm to take out the above belongings. Except for removing the articles, the possession of the entire premises has been handed over to the petitioner in Court today.

4. Since the suit property has been handed over to the petitioner, the respondent states that she will also withdraw her Criminal Complaint Case bearing No. 3140/2018, PS Shakarpur, Delhi.

5. In case the articles are not removed on 05.10.2023, the petitioner will be entitled to sell them on 06.10.2023.

6. In view of the above, the contempt petition is disposed of.”

2. In the wake of aforesaid order, learned counsel for the petitioner submits that it was incumbent upon the respondent no.2 herein to withdraw the present criminal complaint. In fact, on merits also he submits that the dispute amongst the parties was emanating from a civil proceeding *inter-se* the petitioner/ licensor and husband of respondent no.2/ original licensee.

3. Moreover, learned counsel has further handed over a copy of the order dated 09.10.2025 passed in W.P.(CRL) 3178/2023, which is reproduced as under:-

“1. The Petitioner states that she was previously in occupation of the property owned by Respondent No. 2. She has since vacated the premises and handed over possession of the said property to Respondent No. 2.

2. The Petitioner alleges that, despite vacating the



property, certain personal belongings and household goods remained at the premises and were not returned to her. Consequently, the present petition has been filed seeking the following reliefs:

“It is, therefore, most respectfully prayed that this Hon'ble Court may kindly be pass the order for police protection for the life of Petitioner and her domestic goods which are in the possession of the Respondent No.2 at F-163, Laxmi Nagar, Delhi.

Any other relief which this Hon'ble Court may deem fit and proper in the interest of justice may kindly be passed in favour of the Petitioner and against the Respondent No.2.”

3. *During the pendency of these proceedings, it has been brought to the Court's attention that Respondent No. 2 has passed away. Accordingly, counsel for the Petitioner submits that the prayer for police protection against Respondent No. 2 has become infructuous. He further submits that, insofar as the request for return of goods is concerned, the Petitioner may be granted liberty to pursue appropriate civil remedies.*

4. *Leave and liberty as prayed for, is granted. It is however made clear that the Court has not commented on the merits of the case.*

5. *The grant of liberty to the Petitioner shall not be construed as this Court accepting the veracity of the allegations made in the present petition or confirming that the Petitioner's belongings are, in fact, located at the premises in question. If the Petitioner chooses to initiate civil proceedings, the same shall be adjudicated independently, in accordance with law.*

6. *The present petition is disposed of along with pending application.*

7. *All rights and contentions of the parties are left open.”*

4. As apparent therefrom, he submits that as respondent no.2 is merely trying to take undue advantage/ benefit of the aforesaid proceedings,



which, particularly in view of the order dated 27.09.2023 passed in the said Contempt Case in her own presence, is not maintainable.

5. In response, learned counsel for the respondent no.2 submits that since the respondent no.2 in the said Contempt Case *vide* order dated 27.09.2023 was not represented by a legal counsel, she was unaware of the proceedings on the said date. In the opinion of this Court, the same seems highly unlikely, particularly, since there is no dispute *qua* that till date.

6. Be that as it may, since the learned counsel for respondent no.2 seeks to address arguments on merits, renotify on 26.11.2026.

7. Interim orders, if any, to continue till the next date of hearing.

SAURABH BANERJEE, J

AUGUST 17, 2026/So