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IN THE HIGH COURT OF DELHI AT NEW DELHI
Crl. Rev. P.187/2015

Order reserved on : 26th October, 2017

Order pronounced on : 03rd November, 2017

BABLI PANDEY Petitioner

Through: Mr. Dheeraj Kumar Nayal, Advocate.

Versus

STATE & ANR. Respondent

Through: Mr. Ashok Kumar Garg, APP for the
State with SI Raghuveer, PS-Bindapur.
Mr. Jai Gopal Garg, Advocate for the
respondents No. 2 to 4.

CORAM:

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

1. The present Criminal Revision Petition has been filed under Section 397(1)/401/482 Cr.PC assailing the order dated 03.11.2014 passed by the Additional Sessions Judge-04, South West, Dwarka New Delhi in CR No. 61/14 whereby respondents No. 2 to 4 were discharged for the offence punishable under Sections 341/506/509/34 IPC.
2. The brief and necessary facts which emerges from record is that when the petitioner/complainant was returning home, the respondents No. 2 to 4 obstructed her way, used filthy language and extended threat to her to which she replied that they were mentally harassing her and they will face dire consequences, if she would take any wrong step; that in the evening accused Vipin along with Kartik and Bharat started abusing and came to the gate of her house; that accused Vipin tried to enter her house and said

that "*Main tujhe kanhi mooh dikhane laayak nahi chodunga*"; that Kartik asked accused Vipin to drag her out of the house and said that "*Isse baalon se khinchkar bahar le aao, iski aisi halat karenge ki yeh mooh kholne ke laayak nahi rahegi*"; that the petitioner/complainant pushed the Kartik and bolted the gate; that the petitioner/complainant got injuries in the process.

3. Vide order dated 01.03.2014, the Metropolitan Magistrate directed to frame charges under Section 341/506/509/34 IPC against the respondents No. 2 to 4 and under Section 451/511/409 IPC against the accused Vipin Kumar. The respondents No. 2 to 4 preferred a revision petition against the said order. Vide impugned order dated 03.11.2014, the Additional Sessions Judge-04, South West, Dwarka, New Delhi to set aside the aforesaid order against the respondents No. 2 to 4. Hence, the present Criminal Revision Petition.
4. Assailing the impugned order, learned counsel for the petitioner contended that the Trial Court erred in discharging the respondents No. 2 to 4 at a premature stage as the witnesses were yet to be examined; that the Trial Court exceeded its jurisdiction and passed the impugned order without appreciating the statement of the petitioner/complainant.
5. On the other hand supporting the impugned order, learned counsel for respondents No. 2 to 4 contended that impugned order does not suffer from any jurisdictional infirmity or with material irregularity in the exercise of jurisdiction vested upon the Appellate Court to decide revision petition so as to warrant any interference by this Court.

6. I have given my considered thought to the submissions raised by counsel for parties and perused material available on record.
7. Respondents No. 2 to 4 have been discharged from the offences punishable under Section 341/506/509 IPC.
8. To constitute a person for the offence punishable under **Section 341 IPC**, it must be established that there was a momentary restriction on the complainant and the complainant was obstructed from proceeding along a particular direction. The necessary and essential ingredients to book a person for the offence punishable under **Section 506 IPC** is that the threat extended to the complainant must be intentional and in order to constitute a case for the offence punishable under **Section 509 IPC**, there must be a woman whose modesty has been outraged, including the privacy of a woman, utters any word, makes any sound or gesture etc.
9. The petitioner/complainant in her complaint made following allegations against the respondents No. 2 to 4. The said contents of the FIR/complaint are reiterated, which reads as under:

"xxxxxxMadam, kal mere saath jinka gair-kanooni makaan ki shikayat maine aapko ki thi unki aurton ne mujhe apne kaam se aate samay (Kusum, Pushpa, Parmeshwari) ne raaste me rok liya ve gaali galooh dene lagi ve mujhe maarne ki dhamki dene lagi jab maine kaha aap mujhe teen mahine se mentally harassment kar rahi hain kanhi maine koi galat kadam utha diya toh aapko pareshani ho jaayegi. Uske baad mein ghar aa gayi.

10. The allegations levelled against the respondents No. 2 to 4 are general in nature. Perusal of the complaint shows that no such act is attributed to the respondents No. 2 to 4 making them liable to be prosecuted for the offence punishable under Section 341 IPC. Mere threat extended by an accused without an intention to cause alarm to the complainant, does not amount to an act punishable under Section 506 IPC. No such language or act has been made out in the complainant to book the respondents No. 2 to 4 for the offence punishable under Section 509 IPC.
11. In view of the above, I am of the considered view that the reasons recorded by the learned Trial Court in the impugned order, do not suffer from any illegality whatsoever and accordingly, the present Criminal Revision Petition shall stand dismissed.
12. Order accordingly.

SANGITA DHINGRA SEHGAL, J.

NOVEMBER 03, 2017
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