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

\+ CRL.M.C. 2730/2015 & Crl. M.A. Nos 9774-75/2015

KALAMUDDIN

..... Petitioner

Through Mr.A.K.Padhy, Advocate.

versus

STATE (GOVT OF NCT OF DELHI) & ANR

..... Respondent

Through Ms.Kusum Dhalla, APP

\+ CRL.M.C. 2740/2015 & Crl. M.A. Nos 9795-96/2015

KALAMUDDIN

..... Petitioner

Through Mr.A.K.Padhy, Advocate.

versus

STATE (GOVT OF NCT OF DELHI) & ANR

..... Respondent

Through Ms.Kusum Dhalla, APP

\+ CRL.M.C. 2741/2015 & Crl. M.A. Nos 9798-99/2015

KALAMUDDIN

..... Petitioner

Through Mr.A.K.Padhy, Advocate.

versus

STATE (GOVT OF NCT OF DELHI) & ANR

..... Respondent

Through Ms.Kusum Dhalla, APP

\+ CRL.M.C. 2752/2015 & Crl. M.A. Nos 9846-47/2015

KALAMUDDIN

..... Petitioner

Through Mr.A.K.Padhy, Advocate.

versus

Signature Not Verified
Digitally Signed
By:AMULYA

(5)

STATE (GOVT OF NCT OF DELHI) & ANR

..... Respondent

Through Ms.Kusum Dhalla, APP

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% 24.08.2015

These are four petitions filed before this Court seeking quashing of the four respective FIRs. The thrust of the argument of the learned counsel for the petitioner (Kalamuddin) is that these FIRs have been got registered at the behest of the same family i.e. either through the father (Dilbagh Singh) or his daughter (Kanwaljeet Kaur). It is basically a civil dispute. The petitioner has been falsely implicated in all the aforenoted FIRs and was at the behest of one particular ACP (no name given) who was In-Charge of the Police Station Safdarjung Enclave at that relevant time; these proceedings are an abuse of the process of the Court; they are liable to be quashed.

(i) Crl. M.C. No.2752/2015 relates to FIR No.127/2012 which has been registered on the complaint of Dilbagh Singh. The contents of the FIR disclose that since the last about months, the petitioner was harassing him and his family including his daughter Kanwaljeet Kaur who lives with them. On 05.04.2012 at around 06:15 PM when he was returning home, the present petitioner (Kalamuddin) and his son was standing on the way with baseball bat in theirhand; on seeking him, the petitioner started abusing

him stating that he will finish him on that day. He was beaten on his head. His gold chain was also snatched. Public gathered there and saved him otherwise the complainant would have been killed. FIR was registered under Sections 323/341/452/506/34 of the IPC. Charge-sheet has also since been filed. Proceedings are pending trial.

(ii) Crl. M.C No.2741/2015 relates to FIR No.58/2012 which has also been registered on the complaint of Dilbagh Singh. The averments in this complaint disclose that around 08:30 PM on 17.02.2012 when he was returning home, Kalamuddin blocked his way and said 'buddhe idhar aa'. He threatened to kill him stating that you should take back your case or you will be killed; he was also beaten; the complainant managed to get out of his clutches and entered his house. The complainant has given his complaint. His MLC has noted simple blunt injuries. Charge-sheet has been filed under Sections 323/341/506/509 of the IPC.

(iii) Crl. M.C relates to FIR No.338/2013 registered on the complaint of Kanwaljeet Kaur. Submission of the complainant is that on 18.07.2013 in the evening around 07:30-08:00 pm she heard loud noise and when she came to the balcony, she saw Kalamuddin; he started abusing her and alleged that she is a widow and do flesh-trade. He called her a characterless lady and threatened to kill her. He threw a stone within struck on her forehead and eye as well. She made a complaint. Her MLC showed bruise and swelling on her left eye and cheek. Charge-sheet has since been filed under Sections 323/506/509 of the IPC.

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(iv) Crl. M.C.No.2730/2015 relates to FIR No. 246/2011. This was on the complaint of Kanwaljeet Kaur. Her allegation is that 7-8 days before the registration of the FIR, Kalamuddin had a fight with her; he lives on the first floor and often used abusive language. He threatened to kill her. On 14.09.2011 at about 04:00 pm when she came out of the house along with her parents, Kalamuddin blocked her passage, used abusive language and when she tried to stop him from manhandling with her father, be again abused them and carried on continuously. Earlier 8-10 days ago, Kalamuddin dragged her and used abusive language. She was disturbed. FIR was registered under Sections 509/354/341/506 of the IPC. Charge-sheet has been filed. This Court has been informed that the charges have already been framed in this case.

The prayer of the petitioner is that the inherent powers of the Court have to be invoked to quash all these FIRs. This Court at the outset had told the learned counsel for the petitioner that the averments made in the complaint cannot straightway be brushed aside; admittedly the parties are living in the same building. The petitioner is a resident of the first floor in the same building where the complainant Kanwaljeet Kaur is residing along with her father Dilbagh Singh and her mother. There are four different dates of incident given in the four different FIRs. The medical record annexed along with the charge-sheets which have been filed have also been noted.

The submission of the learned counsel for the petitioner that these FIR are an abuse of the process of the Court cannot be decided in

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proceedings under Section 482 of the Cr.PC; they require trial; it is only after evidence has been adduced before the concerned Court that can the Court draw a conclusion as to whether these complaints are false or whether they are true. This is not the opportune stage. The petitions are wholly pre-mature. The inherent powers of the Court can be invoked only sparingly and in those rare circumstances when these are averments on the face of the record glaringly illegal and patently perverse. No such circumstance is made out in these cases.

These petitions are nothing but an abuse of the process of the Court. Each of them is dismissed with costs quantified at Rs.5,000/-.

INDERMEET KAUR, J

AUGUST 24, 2015
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