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

+ CRL.REV.P. 709/2016 and CrI.M.A. No.17153/2016

RAM KHILAWAN

..... Petitioner

Through: Mr. Sunil Kumar Chaturvedi,
Advocate.

versus

STATE & ANsR.

..... Respondents

Through: Ms. Anita Abraham, APP for the
State.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
04.11.2016

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The petitioner has preferred the above criminal revision petition under Section 397/ 401 Cr.P.C. to assail the order dated 01.06.2016 passed by the learned MM in CC No.105/1/15 titled *Ram Khilawan Vs. Ghulsan*, whereby the learned Magistrate has dismissed the petitioner's complaint filed against the respondent after recording the evidence of two witnesses, including the complainant on the ground that the petitioner/ complainant has not furnished particulars as to date and time of the alleged incident either in the complaint or in the depositions of the witnesses. The allegations against the respondent were found to be vague, and consequently, it was held that there

is insufficient ground to proceed against the respondent.

The petitioner has preferred the aforesaid application to seek condonation of 58 days delay in preferring the review petition. Since I have heard learned counsel for the petitioner, perused the impugned order as well as the documents placed on record and I am not inclined to issue notice in the review petition, no useful purpose would be served in issuing notice in the application seeking condonation of delay.

The grievance of the petitioner is that he and his family members are residing at C-334, Navjeevan Camp, Govindpuri. The respondent is his next door neighbour. According to the petitioner/ complainant, the respondent creates hindrance in the use of street water tap. He also used to call the petitioner by his caste in full public view. The petitioner claimed that the respondent threatened him with a country made pistol in inebriated state. On another occasion, he demanded Rs.2,000/- per month from the complainant for the safety of the complainant and his family. He also threatened the complainant with kidnap of his grandchild.

Since the police failed to take action against the respondent despite the petitioner's complaint dated 21.03.2015, the petitioner preferred an application under Section 156(3) Cr.P.C., which was dismissed by the Court on 30.07.2015 and the complainant/ petitioner was given an opportunity to prove his complaint by leading evidence in terms of Section 200 Cr.P.C. The petitioner then examined himself as CW-1 and a neighbour of his Madan Lal as CW-2. As noticed above, the learned Magistrate has dismissed the complaint on account of absence of particulars as to date and time of the alleged incident and vagueness of the allegations.

A perusal of the complaint dated 26.03.2015 made by the complainant

and the two Action Taken Reports filed by the police before the learned Magistrate show that the petitioner did not particularise the alleged incidents by furnishing particulars with regard to the date and time when the said incidents allegedly took place. It was generally stated that the respondent had been threatening the petitioner for the last three months. Even in the complaint preferred by the petitioner under Section 156(3) Cr.P.C., the incidents were not particularised. The two witnesses examined by the complainant also did not furnish such particulars.

In view of the aforesaid, in my view, the learned MM was justified in dismissing the complaint on account of lack of particulars as to date and time and on account of vagueness.

Learned counsel for the petitioner submits that the petitioner continues to suffer threats and intimidation at the hands of the respondent.

If that be so, it shall be open to the petitioner to make specific complaint, and if such a complaint is made, the concerned SHO shall examine the same with the seriousness that it deserves.

The petition stands dismissed in the aforesaid terms.

VIPIN SANGHI, J

NOVEMBER 04, 2016

B.S. Rohella