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

Judgment delivered on: 24th February, 2016

+ **CRL.M.C. No.795/2016**

RANJANA

..... Petitioner

Represented by: Mr.A.K.Jha, Adv

versus

RAMRATI & ORS

..... Respondents

Represented by: Mr.Arun Kumar Sharma,
APP for the State.

**CORAM:
HON'BLE MR. JUSTICE SURESH KAIT**

SURESH KAIT, J. (Oral)

Crl.M.A. No.3333/2016 (for exemption)

Exemptions allowed, subject to all just exceptions.

Accordingly, the application is allowed.

Crl.M.A. No.3332/2016 (for delay)

In view of the averments made in the application, delay of 13 days in re-filing the petition is condoned.

Accordingly, the application is allowed.

CRL.M.C. 795/2016

1. Vide the present petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioner seeks direction thereby setting aside the order dated 29.05.2015 passed by learned Additional Sessions Judge in Criminal Revision Petition No.12/2015 and the order dated 20.12.2014 passed by learned Metropolitan Magistrate in Complaint Case No.205/1 filed by her.

2. Learned counsel appearing on behalf of petitioner submits that in the alleged incident dated 29.11.2012 a student namely; Vikas of M C Primary Boys School, Palam Village, Delhi received injuries. The parents of the injured put the petitioner under threat and demanded Rs.30,000/- to settle the account. Accordingly, the petitioner paid an amount of Rs.30,000/- on 01.12.2013 under threat and pressure. Thereafter, the petitioner made a call to her husband. He further submits that beat constable present over there put pressure upon petitioner that either she should pay the money as demanded by parents of injured or he would arrest her. Thereafter, she called her husband, who is an advocate. After payment of money, on 01.12.2013 she made complaint to the SHO, police station Palam Village, Delhi regarding the incident. Since, the police did not register the FIR, accordingly filed Complaint Case mentioned above, which was dismissed vide order dated 20.12.2014.

3. Being aggrieved, the petitioner challenged it by way of Criminal Revision Petition No.12/2015 and same was dismissed vide order dated 29.05.2015 passed by learned Additional Sessions Judge.

4. It is not in dispute that petitioner was a teacher in M C Primary Boys School, Palam Village, Delhi and her examination before learned Trial Court reveals that one child namely Vikas, son of respondent No.1 got injured and on next two days, petitioner was on leave and on very next date she received a call from the Principal asking her to come to school and informed her that the parents of the injured were asking for an amount of Rs.30,000/- to Rs.40,000/-. Her testimony further shows that then the petitioner reached police station Palam Village,

Delhi and informed the incident to Constable Om Parkash, who told that guardian of child Vikas were demanding Rs.30,000/-. The petitioner accordingly agreed to arrange the said amount and called Advocate Prabhat, who had given amount of Rs.20,000/- which was eventually given to the family members of the child Vikas. She also stated that she reached the school after settling the matter with the guardians of injured. The examination of the petitioner further reveals that after the child Vikas got hurt, she remained absent and she was called by the Principal of the school and asked her to settle down the matter with the parents of the injured as the injuries were suffered by child in the school.

5. The facts also show that petitioner herself entered into a compromise/settlement with the guardian of the injured and arranged the money through her husband and paid it to the parents of injured.

6. The petitioner did not make any complaint against the police personnel or the child or his parents at the first instance and in fact she paid the agreed amount to them, which shows that she was at fault and she may have inflicted the injuries to the child Vikas. Otherwise, the Principal of the school would not have asked her to compromise the matter with the parents of the injured and in turn she agreed to the compromise and paid the amount to the parents of injured.

7. Observing above facts, learned Metropolitan Magistrate has dismissed the complaint case filed by petitioner vide order dated 20.12.2014.

8. As noted above, being aggrieved petitioner filed the Criminal Revision Petition No.12/2015, which was also dismissed by learned Additional Sessions Judge vide order dated 29.05.2015.

9. Keeping in view the facts recorded above and after going through the orders passed by two Courts below, I find no discrepancy, illegality or perversity in the concurrent findings of both the Courts.

10. Finding no merits in the instant petition, same is dismissed with no order as to cost.

**SURESH KAIT
(JUDGE)**

FEBRUARY 24, 2016

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