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

+ CRL.M.C. 1206/2017

SMT TARAWATI YADAV

..... Petitioner

Represented by: Mr. Shesh Datt Sharma, Adv.

versus

STATE (GOVT OF NCT) DELHI & ORS

..... Respondent

Represented by: Mr. Amit Ahlawat, APP with
SI Shri Gopal PS Shakar Pur.

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **23.03.2017**

CrI.M.As. 4919-4920/2017

Exemptions allowed subject to just exceptions.

CrI.M.A. 4921/2017

For the reasons stated in the application 36 days delay in refiling is condoned.

Application is disposed of.

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The petitioner filed an application under Section 156(3) Cr.P.C. seeking registration of FIR against respondents No.2, 3 and 4 under Sections 120-B/182/385/427 IPC.

The allegations in the complaint were that the petitioner is the owner-in-possession of shop No.S-613, School Block, Shakarpur, Delhi-92

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measuring 13 sq.yds. which he had purchased on 15th March, 1989 from one Abdul Gaffar through registered sale deeds. Since then the husband of the petitioner was carrying on the business over there. It is alleged that respondents No.2 to 4 are land grabbers, involved in litigations and residing in the house adjoining the petitioner's shop. Since the petitioner's shop needed repair in the first week of January 2014 husband of the petitioner was carrying out the repairs when respondents No.2 to 4 with the motive to extort property hatched a criminal conspiracy and threatened the petitioner to give 5 or 6 yards otherwise they would not allow the carrying out of the repair works. Since the petitioner did not succumb to the respondents, respondent No.1 gave a false complaint against the petitioner and her husband and on arrival of the PCR Van repair work was stopped. Even on the next date i.e. 13th January, 2014 the PCR was called and work was stopped, despite the fact that for repair no permission of the local body is needed. Aggrieved by the conduct of the respondents No.2 to 4 petitioner filed a complaint to the SHO Shakarpur on 15th January, 2014, however no FIR was registered. Thus he filed a complaint to the Commissioner of Police on 22nd January, 2014 even on which no action was taken. Hence the application under Section 156(3) Cr.P.C.

The application of the petitioner under Section 156(3) Cr.P.C. was dismissed vide order dated 11th December, 2014 which order was not challenged by the petitioner before this Court. The Magistrate treated the application as a complaint case and examined the witnesses which included the petitioner as CW-1 and her husband as CW-2. Vide the impugned order dated 10th August, 2016 the complaint was dismissed, hence the present

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petition.

The learned Trial Court noted that the only allegation of the petitioner is that the respondents No.2 to 4 stopped the re-construction/ repair. There is no allegation that they threatened or caused any injury to the petitioner or her husband. Thus the matter was purely civil in nature and no offence was made out. From the allegations as noted above, there is no error in the finding of the learned Metropolitan Magistrate that the complaint and the statements of the witnesses do not disclose the commission of any offence much less a cognizable offence. The dispute being purely civil in nature, the complaint was not required to be proceeded with.

Petition is dismissed.

MUKTA GUPTA, J.

MARCH 23, 2017
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