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

**DECIDED ON : JANUARY 11,2017**

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**CRL.A. 397/2016**

**ANAND SINGH**

..... Appellant

Through : Appellant's son present in person.

versus

**MAMATA SHAH**

..... Respondent

Through : None.

**CORAM:**

**HON'BLE MR. JUSTICE S.P.GARG**

**S.P.GARG, J. (ORAL)**

1. Present appeal under Section 341 Cr.P.C. has been preferred by the appellant Anand Singh to challenge the legality and correctness of orders dated 14.01.2016 and 17.02.2016 of learned Sr.Civil Judge/Rent Controller.
2. I have heard the appellant who appeared in person. The appellant states that he is a former judicial officer from U.P. judiciary.
3. At the outset, it may be recorded that in the present appeal the appellant has cast various unwanted, irrelevant and uncalled aspersions which deserve out right rejection. On perusal of the entire appeal, nothing is made out as to which order is under challenge and on what account.
4. It reveals that the appellant was inducted as a tenant on a monthly rent of ₹6,500/- p.m. in House No.120, Block-E, Pocket-IIIrd, DDA

Colony, Bindapur, New Delhi by one Ajit Kumar, attorney of landlady Mamata Shah on 01.09.2013. It is alleged that electricity and water connections were got disconnected unauthorizedly. It is further alleged that a false FIR No.234/2014 was lodged at Police Station Bindapur against him for committing house trespass. The appellant further avers that on 12.10.2014 at the instance of Ajit Kumar, care taker, the electricity was disconnected for which an FIR was lodged at Police Station Bindapur on 16.10.2014. On 19.10.2014, the police and electricity department got restored the electricity supply. It was, however, again disconnected on 21.10.2014. It is further averred that on 21.10.2014, appellant's daughter lodged the FIR in police station about disconnection of electricity but no action was taken. It is further alleged that an FIR No.1179/2014 under Section 509 IPC was registered against the appellant's son at the behest of Ajit Kumar by his lady employee in connivance with local police.

5. It is informed that on 28.10.2014, the application moved under Section 156(3) Cr.P.C. and Section 195 & 340 Cr.P.C. was dismissed by the concerned Magistrate. The appellant, thereafter, moved application dated 11.11.2014 under Section 156(3) Cr.P.C. read with Section 340 Cr.P.C. in the Court of Spl.Judge (Electricity). The learned District Judge Dwarka passed the order dated 12.11.2014 advising the appellant to file a complaint case. It is further stated that thereafter another application under Section 340(2) Cr.P.C. was filed in the court of District Judge (Dwarka) but she did not invoke the judicial enquiry and the application was transferred to the court of Additional District Judge, Dwarka who also did not invoke the judicial inquiry vide order dated 5.5.2015. The application moved before the Rent Controller under Section 340 Cr.P.C. was also dismissed for want of

jurisdiction. The appellant moved various applications under Section 340 Cr.P.C. which have been dismissed by various judicial authorities.

6. Perusal of the file reveals that the petitioner has filed complaint case No.254/7/14 under Section 156(3) Cr.P.C. read with Section 195 and 340 Cr.P.C. titled Anand Singh vs. Dr.Ajit Kumar & Others for commission of offences punishable under Sections 193/182/426/432/433/440 read with Section 120-B IPC on 28.10.2014. By a detailed order dated 10.11.2014, the learned Metropolitan Magistrate dismissed the complaint case. Another application under Section 156(3) Cr.P.C. read with Sections 155 (2), (3) & (4) Cr.P.C. was dismissed again by the said learned Metropolitan Magistrate by detailed order dated 4.12.2014. Still another application under Section 156(3) Cr.P.C. was dismissed by a comprehensive order dated 27.3.2015. The file was ordered to be consigned to the record room as the matter could not be proceeded under Section 200 Cr.P.C. Nothing is on record to show if the said orders were challenged in appeal or revision.

7. The appellant moved Criminal Misc. Application under Section 340, 195 Cr.P.C. read with Section 156(3) Cr.P.C. before District and Sessions Judge(South-West District) Dwarka. It was disposed of by an order dated 12.11.2014. It was specifically observed that the application moved by the applicant appeared to be more in the form of a complaint under Electricity Act against respondents No.1 and 2 and under Section 211/212/218 IPC read with Section 120B IPC against respondents No.3 to 5. It was further observed that in the prayer clause the applicant had sought judicial enquiry under Section 340 Cr.P.C. read with Section 195 (1) (b) Cr.P.C. without mentioning as to what offence under Section 195 (1) (b) appeared to have been committed and in relation to what proceedings. The

applicant was advised to challenge the orders of the Metropolitan Magistrate and that of ASJ/Special Judge (Electricity) at appropriate forum. He was permitted to invoke the jurisdiction of appropriate forum by filing appropriate application under Section 340 Cr.P.C. or any complaint or revision with regard to his grievances under relevant provisions of law. Apparently, nothing has been done by the appellant in compliance of the said order.

8. Record reveals that suit for possession (CS No.183/2015) was filed against the appellant in the Court of learned Senior Civil Judge. By an order dated 17.02.2016, the learned Senior Civil Judge has passed a decree of possession against the present appellant regarding premises in question. It is unclear if the premises are in appellant's possession at present.

9. In the light of the above discussion, I find no substance/merit in the present appeal. No adverse findings have been recorded by Courts below to the effect that any specific offence has been committed by any specific individual to take cognizance under Section 340 Cr.P.C.

10. The appeal lacks in merit and is dismissed.

11. Trial Court record along with the copy of the order be sent back forthwith.

**(S.P.GARG)**  
**JUDGE**

**JANUARY 11, 2017/sa**