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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on : 9th May, 2017

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WP(CRL.) 2424/2014 and CrI. M.A. 18791/2014

KAMINI KHANNA

..... APPELLANT

Through: Appellant in person

versus

DELHI POLICE & ORS.

..... RESPONDENTS

Through: Ms. Richa Kapoor, ASC for R-1
&2/State with SI Rajesh Kumar Verma, PS
C.R. Park

Mr. Anil Soni, CGSC with Ms. Priyanka
Singh, Advocate for R-3

Mr. Neeraj Gupta and Mr. Sachin Garg,
Advocates for R-4 & 5

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. This criminal writ petition seeks the following reliefs :-

“1. The issuance of appropriate directions, orders or writs in the nature of mandamus or any other writ, order or direction and or under section 482 Cr. PC to quash order dated 10.10.2012, subsequent FIR booked at CR Park police station 186/12 and the challan filed in June 2013 against this FIR.

2. To further direct respondent no.1, 2 & 3 to take disciplinary action against respondent no.6 and to punish him as per law for demanding graft and for other

unlawful activities under Article 311 of the Constitution of India and to further direct respondent no.1,2 & 3 to issue a letter of sanction to prosecute the respondent no.6 and other officers who are involved in the conspiracy. And to further direct the respondent no.1, 2 and 3 to strip off all the rewards given to respondent no.6 by the Govt. of India and by the most Hon'ble and respectable President of India and to further drop the charges against X-SHO CR Park Ajay Sharma.

3. The issuance of appropriate directions, orders or writs in the nature of mandamus or any other writ, order or direction and or under Section 482 Cr. PC ordering the respondent no.1, 2 and 3 to immediately compensate the petitioner through respondent no.4 and 5 for all reliefs mentioned herein or in case respondent 1, 2 and 3 still want to inappropriately support the respondent no.4, 5 and 6 then respondent no.1, 2 and 3 should be able to compensate petitioner for all the litigation cost, loss of earnings (at an enhanced 20% increase per year from what petitioner was earning in 2006), from Nov. 2006 to present Nov. 2014 and any more additional time lost. To further direct respondent 1, 2 and 3 to help petitioner get the ownership / costs of her movable / immovable property back from respondent no.4 and 5 and their associates. Or in case respondent 1, 2 and 3 still want to inappropriately support the respondent no.4 and 5 then to further immediately compensate petitioner with a house of equivalent size and value in the same area, and an equal amount of covered area as the original house alongwith costs for petitioner's belongings. A job with enhanced salary which should be calculated at the rate of 20% increase per year from the year 2006, compensation of Rupees 1 Crore to be paid by respondent no.1, 2 & 3 or to pay through respondent no.4 & 5, or to pay jointly for causing harm, misery, torture, mental torture, physical pain, LOSS of 10 most valuable and best years of petitioner's LIFE and making her sleep on the footpaths. That the respondent no.1, 4 and 5, 6 should be

tried for perjury, willful concealment of facts, submitting false documents in the courts. Further to stay the sale of the said house and the house should be sealed till a definite decision is arrived at.”

4. Status report has been filed by the respondent / State through SHO, Police Station C.R. Park. Respondent nos. 4 and 5, on notice, have also appeared to resist the petition.

5. The petitioner filed the writ petition at hand by herself without engaging any counsel. She has been appearing in these proceedings making her submissions in person. By order dated 18.02.2016, an *amicus curiae* was appointed to assist her in making appropriate submissions. On 02.06.2016, however, it was brought to the notice of the court that the petitioner had expressed lack of faith in the *amicus curiae*. In this view, the following order was passed :-

“My attention has been invited to the order dated 25.05.2016 passed by the Learned Metropolitan Magistrate, Saket Courts, New Delhi in FIR No.186/2012 registered at Police Station C. R. Park titled as State Vs. Kamini Khanna. A perusal of the said order dated 25.05.2016 reveals that Ms. Kamini Khanna has expressed her views before the concerned Court that she does repose any faith in Amicus Curie Mr. Chetan Lokur and the matter may be adjourned so that she may prepare herself for arguments on charge. Ms. Kamini Khanna further stated that learned Amicus Curie is having his own agenda and is forcing her to go to a shelter home.

In view of the foregoing, without commenting on the conduct of Ms. Kamini Khanna, learned Amicus Curie is discharged from this matter. However, it would be incumbent on my part to note that the learned Amicus Curie had been appointed by this Court to assist Ms. Kamini Khanna, who is admittedly an indigent and

homeless individual. Learned Amicus Curie had offered to render all assistance to this Court and had also consented to represent Ms. Kamini Khanna before the learned Trial Court in the FIR No.186/2012 registered at Police Station C. R. Park titled as State Vs. Kamini Khanna as aforementioned, pro-bono.

In view of the foregoing, I do not wish to hear this matter. Accordingly list this matter before some other appropriate Bench according to Roster on 18.07.2016, subject to obtaining necessary orders from Hon'ble the Chief Justice.

The matter is released from being part heard."

6. When the matter came up for hearing, the petitioner was again asked if she wished to be assisted by an advocate at State expense. She declined the said offer stating she was educated and competent enough to look after her interests and present her case in these proceedings. During the course of submissions, she also stated in chaste english that she had been earlier employed for about fifteen years at a senior managerial level in a private company of repute with good income and that she understands the law and the proceedings and is able to make necessary submissions.

7. Having heard the petitioner at length, as indeed the learned counsel for respondent nos.4 and 5, on one hand and the additional standing counsel for the respondent / State who also represented respondent nos.1 and 6, this court is of the opinion that the petition lacks substance.

8. The prime contentions and the first relief relate to order dated 10.10.2012 passed by the Metropolitan Magistrate-09, South-east on the file of complaint case no.405/2001 instituted by respondent no.4

who, it may be mentioned, is one of the siblings of the petitioner. It appears the root cause of dispute between the petitioner and her siblings has been the right, title and interest to the property left behind by their father Mr. C.L. Khanna at the time of his death on 01.07.1991. It is the contention of the private respondents that Mr. C.L. Khanna had died intestate and that in the course of developments in its wake, the other legal heirs including the petitioner had relinquished their respective share in the property by executing certain documents. It is alleged by the private respondents that the petitioner had illegally entered into the said property on 10.09.2012 demanding share in the property and extending threats. Certain other events were alleged, including removal of CCTV system in a complaint, seeking registration of the FIR. It is pursuant to the said complaint that, by order dated 10.10.2012, the Magistrate directed registration of the FIR and pursuant to the said directions, FIR no.186/2012 came to be registered in the local police station, though it is also pointed out that the investigation taken up is for offences under Sections 341, 427, 428, 34 IPC allegedly committed by the petitioner, the inclusion of the offence under Section 380 IPC having been set aside by the court of sessions sitting in revisional jurisdiction, by order dated 17.01.2013. The criminal case arising out of the above mentioned FIR is presently pending consideration of the question of charge in the court of the Metropolitan Magistrate.

9. In these circumstances, it will not be proper for this court to be subjecting the allegations in the said FIR to scrutiny in the writ

jurisdiction so as to interfere with the order dated 10.10.2012 as is the prayer in these proceedings.

10. The other reliefs essentially arise out of the registration of the above mentioned FIR and denial of her due in the estate of the late father of the petitioner and the private respondents on which account the petitioner seeks, amongst others, compensation and right to a residential property equal to the share of the private respondent. It was brought out at the hearing that the petitioner had instituted a civil suit, it being CS No.27/2013, which was dismissed upon being withdrawn by her on 18.02.2013 by the court of Additional Senior Civil Judge (South) at Saket. It also appears that the petitioner had filed a petition for award of maintenance allowance against the fourth respondent, the relief having been sought under Section 12 of the Protection of Women from Domestic Violence Act 2005. Her petition CC no.1489/2003 was dismissed by order dated 26.05.2015 of the court of the Metropolitan Magistrate-01, Mahila Courts at Saket, New Delhi. It was also pointed out that the petitioner has filed a number of complaint cases, some against the private respondents as well, they including nos.CC/612923/2016, CC/617533/2016, CC/625133/2016, CC/627235/2016, CC/613754/2016 and CC/615425/2016, CC/616068/2016 and CC/615428/2016, which are pending in the court of Chief Metropolitan Magistrate (South-east), Saket even as on date.

11. The writ petition filed before this court seeking aforementioned reliefs is found to be misconceived and misguided. It appears that the petitioner is not conversant in law, substantive or procedural. She

insists on making her own presentation which is not in her best interest. She may be an educated lady with some work experience. But this, by itself, does not mean that she is able to bring out her version coherently. In these circumstances, she would be well advised to approach the Delhi State Legal Services Authority for necessary legal assistance so that she is able to pursue the remedies to which she may be entitled under the law properly and effectively.

12. Whilst giving to the petitioner liberty to approach the State Legal Services Authority for aforesaid purposes, and towards such end as stated above, these proceedings are hereby closed and disposed of as no further directions at this stage are called for.

R.K.GAUBA, J.

MAY 09, 2017

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