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

+ CRL.L.P. 567/2017

ANITA GOEL

..... Petitioner

Through: Mr.Jatin Rajput, Adv.

versus

SHRI DHARAMVIR SINGH GAHLAN & ANR..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **25.09.2017**

Crl.M.A.16114/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

CRL.L.P. 567/2017 & Crl.M.A.16113/2017 (Delay)

The petitioner is aggrieved by the judgment dated 09.05.20017 passed by the learned Metropolitan Magistrate (Mahila Court)-03, District South-West, Dwarka Courts, New Delhi in case No.4999151/2016 whereby the respondent has been acquitted of the charges.

A perusal of the judgment reveals that a complaint was lodged by the petitioner against the respondent for having misbehaved with her on the issue of parking of her car. A minor scuffle/skirmish between the two members of the resident welfare association of the building led to the lodging of the complaint.

It appears that the allegations were blown out of proportion and even such allegations could not be sustained during the trial.

In any view of the matter, the Trial Court after going through the evidence of the prosecution witnesses and the defence witnesses was of the view that there was no certainty about the allegations levelled by the petitioner and it was also not clear whether the petitioner was the victim of the case. As such, taking into account the proposition that if two views are possible, the view favouring the accused has to be taken, the respondent has been acquitted.

The reading of the judgment makes it very clear that there is only one view which is possible namely that the allegations could not be sustained during the course of trial.

For the aforesaid purpose, this Court is not inclined to entertain this leave petition.

Leave is, therefore, declined.

The application is dismissed.

ASHUTOSH KUMAR, J

SEPTEMBER 25, 2017

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