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

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Judgment delivered on: 06.07.2018

+ CRL.M.C. 2299/2018

MRS SADIYA

..... Petitioner

versus

STATE & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Ram Kumar Sharma, Advocate.

For the Respondent: Mr. Kamal Kumar Ghai, APP for the State.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

06.07.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns Kalandara dated 16.03.2018, issued under Sections 107/150 Cr.P.C. against her.

2. Learned counsel for the petitioner submits that the Kalandara is based on incorrect facts. It is submitted that there was an altercation on 10.03.2018, wherein, some neighbours misbehaved with the daughter of the petitioner and a complaint was lodged against them.

3. It is submitted that the Kalandara incorrectly records that both the parties i.e., the petitioner as well as the persons against whom the

complaint was made were in the habit of fighting with each other and calling 100 number PCR and even going to the Police Station to make complaints against each other.

4. Learned counsel for the petitioner submits that the very basis of the Kalandara does not exist and there is no cause for issuance of the Kalandara under Sections 107/150 Cr.P.C. against the petitioner. He submits that there has never been any written complaint against the petitioner except of the subject incident, which was also filed as a counterblast to the complaint made by the petitioner against the sons of the counter complainant.

5. Learned APP for the State confirms that apart from the cross-complaints received of the subject incident, there is no record of any complaint having been made by or against the petitioner, with the local police station or any call being made to the PCR.

6. Sections 107 and 150 of Cr.P.C. read as under:-

“107. Security for keeping the peace in other cases.

(1) When an Executive Magistrate receives information that any person is likely to commit a breach of the peace or disturb the public tranquillity or to do any wrongful act that may probably occasion a breach of the peace or disturb the public tranquillity and is of opinion that there is sufficient ground for proceeding, he may, in the manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with or

without sureties, for keeping the peace for such period, not exceeding one year, as the Magistrate thinks fit.

- (2) *Proceedings under this section may be taken before any Executive Magistrate when either the place where the breach of the peace or disturbance is apprehended is within his local jurisdiction or there is within such jurisdiction a person who is likely to commit a breach of the peace or disturb the public tranquillity or to do any wrongful act as aforesaid beyond such jurisdiction.*

150. Information of design to commit cognizable offences.

Every police officer receiving information of a design to commit any cognizable offence shall communicate such information to the police officer to whom he is subordinate, and to any other officer whose duty it is to prevent or take cognizance of the commission of any such offence.”

7. As noted above, the very basis of issuance of Kalandara as noticed in the Kalandara, against the petitioner i.e. that there have been complaints made against the petitioner as well as other persons, that they have been quarrelling with each other on daily basis and making complaints to either the Police Control Room or the Police Station, is not substantiated from the record as there is no record of any complaint having been made either to the Police Control Room or to the Police Station.

8. In view of the above, since the very basis of the Kalandara does not exist insofar as the petitioner is concerned, I am of the view that the same is liable to be quashed qua the petitioner.

9. In view of the above, the Kalandara dated 16.03.2018, qua the petitioner, is quashed.

10. The petition is disposed of.

11. Order *Dasti* under signatures of Court Master.

JULY 06, 2018
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SANJEEV SACHDEVA, J

भारतमेव जयते