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

+ **CRL.L.P. 510/2019 & CRL.M.A. 35479-35480/2019**

STATE

..... Petitioner

Through Ms Meenakshi Chauhan, APP for
State with SI Amit Kumar, P.S. Vasant Vihar.

versus

SANJEEV KUMAR GUPTA

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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11.09.2019

1. The petitioner has filed the present petition seeking leave to appeal against a judgment dated 25.03.2019, whereby the respondent has been acquitted of the offence under Section 509 IPC.
2. The respondent was charged of the offence pursuant to the FIR No. 1736/2015, which was registered at the instance of one of his neighbours (the complainant). The complainant had alleged that her maid was feeding the street dogs, which was objected to by the respondent. It was alleged that respondent had hurled filthy abuses on the complainant and her maid.
3. The Trial Court had examined the evidence and acquitted the respondent since it was found that there was a serious inconsistency in the statement made by the PWs (complainant's maid, who was examined as PW-2 and the complainant, who was examined as PW-1). Whilst, both of them had stated that the respondent had hurled abuses on them, the abuses as

mentioned by them by writing on pieces of paper, did not match. The Trial Court had also noticed that there was a controversy as to who had filed the FIR. While, the FIR had been filed by PW 1, she had deposed that the same had been written by her daughter and read out to her.

4. The learned counsel appearing for the petitioner contends that there is no inconsistency in this regard, as the complaint had been filed by PW-1 although it was written by her daughter.

5. This Court does not consider it apposite to allow the present petition as clearly, the respondent could not be convicted if there are serious inconsistencies in the deposition of PW 1 and PW 2 with regard to the abuses that are stated to have been uttered by the respondent. It is also evident from the facts that the dispute between the complainant and the respondent, relates to feeding of dogs in the colony. It has also come on record that the family members of the respondent were also present and had restrained the respondent. Given the context of the dispute, it also does not appear that the offence under Section 509 IPC, for which the respondent was charged with, is attracted.

6. In view of the above, the impugned judgement does not warrant any interference by this court. The present petition is dismissed. All pending applications are disposed of.

VIBHU BAKHRU, J

SEPTEMBER 11, 2019

pkv