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

+ **BAIL APPLN. 2274/2020**

**SMT SANTOSH**

..... Petitioner

Through Mr. Amrendra Kumar Jha and  
Mr. S.N. Shukla, Advs.

versus

**STATE OF DELHI**

..... Respondent

Through Mr. Panna Lal Sharma, APP for State

**CORAM:**

**HON'BLE MR. JUSTICE SURESH KUMAR KAIT**

**ORDER**

% **21.08.2020**

The hearing has been conducted through video conferencing.

**Crl. M.A.11364/2020 (Exemption)**

1. Allowed, subject to all just exceptions.
2. Application is disposed of.

**BAIL APPLN. 2274/2020**

3. The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.145/2020, for the offences punishable under Sections 341/323/354/354-A/506/509/427/34 IPC, registered at P.S. Aman Vihar, Delhi.
4. Notice issued.
5. Learned APP for the State accepts notice.
6. With the consent of the counsel for the parties, the present petition has been taken up for final disposal.
7. Learned APP has opposed the present petition by stating that on 28.09.2020, the complainant lodged a complaint against residents of House No.31-GF (i.e. Nishant and his parents) because they had threatened the complainant to kill her and abused her with dirty abuses and misbehaved with

her over the issue of parking and the said matter was not even resolved, when two boys (Sudhir & Shailender) and their entire family (father and mother) had beaten all of her family members, Sudhir Singh slapped her husband (Raman Ohri) and started beating everyone by kicking and had beaten her elder brother-in-law (Rishi Ohri) to the extent that he started bleeding and his one hand and one side got jammed. They also abused her with filthy language, misbehaved and threatened to kill her when she was leaving for her office, Shailender and Sudhir snatched the *chunni* from her neck forcefully and tried to strangle her. All the people know the complainant and her family as they have a decent background due to which her husband and elder brother-in-law did not respond to them, due to which they do not have any injury or mark on their body, whereas they are falsely blaming that the complainant's family pushed their Bauji (grand-father) and had beaten him. Sudhir and Shailender told them that they would take the complainant and her family to Supreme Court and send them to jail and they also gave beatings to her and intimidated her. Shailender took the stick of his grand-father and hit the complainant's car forcefully as well as upon the car of her elder brother-in-law and had beaten her husband and her elder brother-in-law with stick. Both of them broke the bumper of the complainant's car (DL7CP 1009), due to fear, she locked herself in the car (DL 8CU 1728) and thought that if she would de-board the car anywhere then they would beat her. They tried to snatch the key of the complainant's car and in the end, they took the key and beat her husband and elder brother-in-law a lot, due to which the mouth of complainant's brother-in-law swelled up and started bleeding. As all of them are honest and simple, they thought that they could not do anything due to which the accused had pushed and beaten her. Thus, there are serious allegations against the

petitioner. Hence, the present petition deserves to be dismissed.

8. The case of the petitioner is that the petitioner and the complainant are staying in the same locality and everything was peaceful till 28.09.2019. But on 29.09.2019, the complainant and her family members forcefully parked their car just in front of the house of petitioner by creating hindrance at the easement of the petitioner. When they were objected, the complainant and her family members misbehaved with the petitioner and her in-laws. Accordingly, on the same date, the petitioner lodged a complaint against the complainant and her family members at P.S. Aman Vihar, Delhi vide DD No. 6B dated 29.09.2019. On the next day i.e. on 30.09.2019 at about 9.30 am, the complainant and her family members again created nuisance outside the house of the petitioner upon the petty issue of parking. They misbehaved with the 90 years old father-in-law of the petitioner by pushing him, due to which the father-in-law of the petitioner sustained grievous injuries and he was admitted to the Shree Aggarsain International Hospital, Sector - 22, Rohini from where he was discharged on 02.10.20219. Accordingly, the son of the petitioner, namely, Shailender Kumar again lodged a complaint against the complainant and her family members at P.S. Aman Vihar, Delhi vide DD No. 24A dated 30.09.2020. But the complainant and her family members did not change their attitude, they threatened the petitioner that they shall falsely implicate both sons of the petitioner and her family members in a false case. As such, the petitioner lodged a complaint against them before the Commissioner of Police on 01.10.2019. The complainant and her family members still did not change their attitude and started quarreling with the petitioner and her family members often upon the petty issue of parking. On 04.11.2019, HC Arvind called the sons of the petitioner at P.S. Aman Vihar

for the purpose of compromise but there the complainant and her family members again started quarrelling with the sons of the petitioner. As such, the son of the petitioner, namely, Shailender Kumar again lodged a complaint against the complainant and her family members on 15.11.2019 at P.S. Aman Vihar, Delhi. When the complainant and her family members did not stop parking their vehicles in front of the gate of the house of the petitioner then on 02.12.2019, the son of the petitioner, namely, Shailender Kumar filed a Civil Suit for permanent and mandatory injunction against the complainant and her family members before the Senior Civil Judge, North- West Rohini Courts, Delhi vide Suit No.1775/2019. On 04.02.2020, upon receipt of the notice of the aforesaid suit, the complainant and her family members appeared before the Ld. Civil Judge through their advocate and sought 3 days time to file their written statement. On 16.03.2020, the complainant got registered the aforesaid false FIR No. 145/2020 at P.S. Aman Vihar against the petitioner, her husband Shamsher Singh, sons Shailender Kumar and Sudhir Kumar and the said FIR is ante-dated and lodged only to harass the petitioner and his family members.

9. The learned counsel for the petitioner has drawn the attention of this Court to page No.58-59 (Annexure P-10) of the present petition where a car (DL 7CP 1009) which belongs to the complainant is parked in front of the gate of petitioner's house, whereas house of the complainant is on the opposite side of the street. Thus, the complainant is creating hindrance, again and again, the petitioner and his family is implicated in this case falsely.

10. On perusal of the photographs at the aforesaid pages the car of the complainant is parked in front of the house of the petitioner whereas the house of the complainant is across the road at the opposite side.

11. Keeping in view the averments made in the present petition as recorded above and submissions of learned counsel for the petitioner, without commenting on the merits of this case, this Court is inclined to grant anticipatory bail to the petitioner.

12. Accordingly, the SHO/IO concerned is directed that in the event of arrest, the petitioner/applicant shall be released on bond on his furnishing a personal bond in the sum of Rs.20,000/-. The petitioner shall cooperate with the investigation and make himself available for interrogation by police officer, as and when required.

13. Accordingly, the present petition is allowed and disposed of.

14. Copy of this order be transmitted to SHO/IO concerned for necessary compliance.

15. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through email.

**SURESH KUMAR KAIT, J**

**AUGUST 21, 2020/rk**