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

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Date of Decision: 17.05.2022

+ **W.P.(CRL) 1227/2021**

SURAJ AGGARWAL & ORS.

..... Petitioners

Through: Mr. Siddharth Tyagi, Adv.

versus

STATE & ANR.

..... Respondents

Through: Ms. R.S Kundu, ASC for State with
Mr. Agniwesh Singh, Ms. Mukul
Dagar, Mr. Neetej Kumar, Mr. Narish
Dagar, Ms. Pooja,
SI Monika Singh, PS K N Kaitjumar
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CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

JUDGMENT

: **JASMEET SINGH, J (ORAL)**

1. This is a petition seeking quashing of FIR No. 184/2020 dated 23.06.2020 registered at P.S. K.N Katju Marg, Rohini u/s 354B/ 323/ 509/506/ 34 IPC, 1860.
2. An FIR has been filed against the petitioners on 23.06.2020 by Mr. Daljit Kaur *alias* Rani wife of Jitender Singh, resident of F-2/22 First Floor, Sector 16, Rohini, Delhi-110085. In the FIR it is submitted that she was unable to pay rent for some months, as a result of which it is alleged that



petitioners barged into the house of the complainant, threatened her and tore her clothes. It is further submitted that another person had a scuffle with the complainant. On the above allegations, the FIR has been registered.

3. The status report has been filed on 09.10.2021 and as per the status report an MLC was conducted in Babasaheb Ambedkar hospital *vide* MLC No. 1895/21 and 1896/21, wherein the nature of injuries were opined 'Nil' on both MLCs by the Medical Officer.

4. In the statement u/s 164 Cr.P.C, the complainant corroborated her main statement. It is further stated in the status report that all the petitioners were released on police bail after interrogation. The clothing which is alleged to be torn by petitioner No. 1 was taken in possession by the police through Seizure memo.

5. When the matter came up before this Court on 11.05.2022, it was directed that respondent No. 2 be informed by the I.O. regarding the matter today and ask for her presence in Court today.

6. The I.O. S.I. Monika Singh has filed a status report in Court today which taken on record. As per the status report, respondent No. 2 was duly informed about the date of hearing and notice of hearing was sent to her on her mobile No. 9891155644. Despite the same, there is no presence on behalf of respondent No. 2.

7. I have heard Mr. Siddharth Tyagi, learned counsel for the petitioners and have gone through the documents.

8. In the present case, admittedly, the complainant is a tenant of the petitioners. She has not paid a single penny towards rent, which was of Rs. 7,000/- per month from December, 2019.

9. A decree of eviction has already been passed by a competent Court,



wherein besides the order of eviction, a monetary decree towards arrears of rent and damages for unauthorized use and occupation has been passed to the tune of Rs. 2,33,000/-. The petitioners have also filed an execution petition which is pending. In addition, the status report shows that there is no injury which has been suffered by respondent No. 2.

10. From the facts narrated, I am of the view that this is a case which is purely in the nature of extortion and black mailing. The complainant being a tenant of the petitioners has not paid a single penny towards rent for more than 2.5 years and by filing the FIR is seeking to black mail and arm twist the petitioners.

11. A coordinate bench of this Court in '*Laishram Premila Devi vs. The State and Ors*' in CRL.M.C. 533/2021 and CRL.M.C. 534/2021 dated 23.02.2021 held that:

"7. Unfortunately, it is now becoming a trend to register FIRs alleging offences under Sections 354, 354A, 354B, 354C, 354D IPC either to force a party from withdrawing a complaint instituted against them or to arm twist a party. Offences under Sections 354, 354A, 354B, 354C, 354D IPC are serious offences. Such allegations have the effect of tarnishing the image of the person against whom such allegations are made. Allegations regarding these offences cannot be made at a drop of a hat. This practice is an abuse of the process of law. The instant case is a classic example as to how frivolous allegations of Section 354 and 354A have been levelled by the parties against each other....."

12. I am of the view that this is also a case where resort has been made to criminal proceedings only to black mail and arm twist the petitioner so that respondent No. 2/complainant can wriggle out of her obligation to vacate the tenanted premises and/or not to pay the legally recoverable dues to the



petitioners. If such FIR is not quashed, the Court will be setting a bad precedent.

13. For the reasons stated above, FIR No. 184/2020 registered at P.S. K.N Katju Marg, Rohini u/s 354B/ 323/ 509/506/ 34 IPC, 1860 is hereby quashed.

14. The status report is taken on record.

JASMEET SINGH, J

MAY 17, 2022/dm

[Click here to check corrigendum, if any](#)

नित्यमेव जयते