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

+ W.P.(CRL) 30/2022, CRL.M.A. 346/2022

SHABANA

.....Petitioner

versus

STATE OF GNCTD & ANR.

.....Respondents

+ W.P.(CRL) 32/2022, CRL.M.A. 347/2022

SHAMIM

.....Petitioner

versus

STATE OF GNCTD & ANR.

.....Respondent

Present: Mr. R.L. Sinha, Adv. with Mr.Mohammed Samir, advocates for
the petitioner
Mr.Amol Sinha, ASC (Crl.) for the State
SI Anil Khatana PS Lahori Gate

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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07.08.2024

The present petitions have been filed for the quashing of Kalandra dated 24.10.2021 under Section 107/150 Cr.P.C. preferred against the petitioners.

The facts in brief as available on record are that on 24.10.2021 an information was received at PS Lahori gate vide DD no.40A. The DD entry was assigned to ASI Swaroop Chand, who reached LNJP Hospital found Mrs.Shamim in the injured condition. On 25.10.2021, on the statement of



the injured Mrs. Shamim, FIR no.601/2021 under section 323/341 IPC was registered at PS Lahori gate. The injured has alleged that on 24.10.2021, she along with her sister Mrs. Shabana were cleaning on the third floor of H. No.166, 2nd floor, Gali Tewar Khan Masjid, Naya Baans, Delhi and at about 1.30 PM, Imran having an iron rod arrived there and asked them to vacate the said rented floor and started beating her with the iron rod. Subsequently, on the basis of MLC and statements of the witnesses the offences under Section 307/120B/34IPC was added. The investigation also reveals that the petitioners were the tenants of the assailants.

Learned additional standing counsel submits that in order to maintain peace and security, the kalandra was lodged. Learned APP has very fairly submitted that as per instructions, after the present incident, there has been no incident between the parties.

Section 107 Cr.P.C. provides that an Executive Magistrate on receiving 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 and upon sufficient grounds for the proceedings such person may be issued a show cause notice that why he/she should not be ordered to execute a bond.

Section 150 Cr.P.C. provides that on an information of a design to commit any cognizable offence, the police may take appropriate preventive action. The incident is of 2021. IO Anil Khatana has stated before the court that there has been no incident on the part of the petitioners. There is also nothing on record to suggest that there has been any incident for the breach of peace on behalf of the petitioners.

It is settled that the inherent powers under section 482 of the Code are



required to be exercised to secure the ends of justice or to prevent abuse of the process of any court. Therefore, the High Court has jurisdiction to quash the proceedings in the interest of justice and if there would be no purpose in continuing the proceedings.

A similar dispute between the landlord and tenant arose in the case of ***Manish Chhabra V. State and Anr.*** CRL.M.C. 3605/2010 and the High Court of Delhi was pleased to quash the Kalandara as there was no apprehension to the conduct of the petitioner, disturbing peace and tranquillity in the area.

I consider that therefore continuation of such proceedings would only be harassment and thus exercising the jurisdiction of this court to prevent the abuse the process of law. The Kalandaradated 24.10.2021 qua the petitioners is quashed.

The petitions along with the pending applications stand disposed of

DINESH KUMAR SHARMA, J

AUGUST 7, 2024

rb/k