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

+ **CRL.REV.P. 143/2019**

DOCTOR DEEPANJALI

.....Petitioner

Through: Mr. Manmohan Singh and Mr.
Sourabh Singh Tomar, Advocates
along with petitioner in person.

versus

STATE & ORS

.....Respondents

Through: Ms. Shubhi Gupta, APP for State with
SI Ranjana, P.S. Subzi Mandi.
Mr.Rajender Sahu, Ms. Hema Sahu,
Advocates for R-3 along with R-3 in
person.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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07.11.2024

1. This petition has been filed for setting aside the impugned order dated 18th December 2018 passed by the ASJ, in the revision petition filed by respondent nos.2 and 3, against the charge framed by the MM under Section 509 IPC.
2. By the impugned order, while charge under Section 509 IPC were sustained against respondent no.2, but the charge against respondent no.3 were dropped, and respondent no.3 was discharged.
3. A perusal of the impugned order shows that the ASJ has assessed the facts and circumstances of the case and noted that the allegations are principally against respondent no.2, as having exhorted the respondent no.3,



to tear clothes of the petitioner, but there was no separate action taken in this regard and no other active role was highlighted in the original FIR, or in the statement recorded under Section 164 Cr.P.C.

4. A perusal of the FIR shows that the respondent no.2 was indulging in obscene behaviour in front of other people and along with his wife, respondent no.3, called her characterless.

5. Counsel for the respondents no.2 and 3 state, that there is a long-standing set of disputes between the petitioner and respondents, and the FIR was registered after 18 days of the incident having taken place, as also the incident in question happened at the residence of the respondents no.2 and 3.

6. Counsel for the petitioner, therefore, relies on a transcript of the recording of the conversation during which such utterances were made by respondent nos. 2 and 3. He submits, it is quite evident from the transcript, particularly the conversations which are recorded at 00:38:25 and subsequently, that the statements which were made, were by both the respondents no.2 and 3.

7. A pen drive containing a recording of the conversation was provided to the IO, but the primary source was not given to the police, and the same could not be sent to the FSL. However, it is confirmed that the certificate under Section 65B of Indian Evidence Act was provided by the petitioner, which forms part of the record.

8. This Court has perused the said transcript and finds that there was a collective effort by both respondents no.2 and 3, of having made utterances in public against the petitioner. With this material on record, opportunity will have to be given to the petitioner to prove the same during the trial.

9. Accordingly, in the opinion of this Court, the findings by the ASJ that



there was no utterance or act which would potentially amount to Section 509 IPC on behalf of respondent no.3 would be incorrect, at least *prima facie* at this stage. Considering it is the stage of framing of charge, the contentions of the parties will of course have to be filtered through the process of trial.

10. Accordingly, the impugned order is set aside, the charges as framed by the MM against respondent no.3 under Section 509 IPC will subsist. The trial will proceed accordingly.

11. The petition stands disposed of.

12. Order be uploaded on the website of this Court.

ANISH DAYAL, J

NOVEMBER 7, 2024

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