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

+ **W.P.(CRL) 1228/2021 and CRL.M.A. 29915/2023**

SUKHINDER BIR SINGHPetitioner

Through: Petitioner in person.

versus

THE STATE OF DELHI & ANR.Respondents

Through: Mr. Sanjay Lao, Standing Counsel (Crl.)
for State.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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11.11.2024

1. This petition has been filed seeking quashing of FIR No. 328/2018 registered at P.S. Rani Bagh, Delhi under Sections 354(C) IPC and the proceedings emanating therefrom, on merits.
2. Petitioner, who appears in person and contends that the present FIR was filed by petitioner's neighbours against him, to falsely implicate him, as he had filed a complaint of unauthorised construction against the said neighbours. There was an issue which arose while the matter was pending, relating to an allegation that the petitioner was installing cameras to keep an eye on the movements of the complainant, that were pointed out towards her home. Subsequently, the petitioner has joined the investigation.
3. The status report dated 16th September, 2022 notes that all the four cameras which were installed at the petitioner's house were installed within the premises, which was covering the area of petitioner's house being B-296, Saraswati Vihar, Delhi. Standing counsel states that there was nothing found by the IO amidst, while examining the said cameras which were installed apparently for securing the security concerns of the petitioner himself.
4. Aside from this, even charges have not been framed and the investigation



has not revealed any adverse finding against the petitioner.

5. Petitioner is 52 years of age and states that he is from an armed forces and educated family and belongs to a respectable social framework and has absolutely no intention of encroaching upon privacy of the complainant. He has been falsely implicated only on account of vindictive process adopted by the complaint against whom he has filed complaint before the NDMC. This is also apparent from the reading of the FIR.

6. Court has also perused the written submissions filed by the petitioner on 04th July, 2024, which bear out the background facts and circumstances of the matter as under.

7. The petitioner had raised a civil complaint dated 5th June 2014 to the Commissioner, MCD regarding unauthorized/dangerous construction being done at the property of respondent no.2. Demolition orders were issued by MCD against the property/residence of respondent no.2 on 2nd March 2016 basis petitioner's complaint dated 5th June 2014. Subsequent to the registration of said complaint by petitioner, respondent along with her family members instituted the following cases against the petitioner:

- (i) FIR No. 536/2014 u/s 354A - P.S Rani Bagh dated 18.07.2014;
- (ii) Civil Suit 61027/2016 dated 12.01.2016;
- (iii) Ct Case 19594/2016 dt. 04.08.2016-Complainant expired on 18.11.2018, on this complaint only Respondent has instituted another case FIR No 328/2018 registered on 27.11.2018;
- (iv) Present FIR - FIR No 328/2018 dated 27.11.2018; and
- (v) W.P(C)526/2019 dated 14.03.2019

8. The Police Status Report dated 20th August 2023 filed *vide* Diary No 1492063/2023 dated 21st August 2023 before this Court clearly states at Point No. 4 that there is no breach of privacy of the respondent from any of the CCTV cameras installed by the petitioner at his property. The relevant portion is extracted as under:



“4. ...the present situation is that no camera is focused towards the house of the complainant. Therefore, at present, there has been no breach of privacy of the complainant....”

9. The Trial Court proceedings in Criminal Case No. 2210/21 arising out of the present FIR No. 328/2018 were stayed *vide* order dated 31st May 2023. Chargesheet has been filed. However, after hearing the petitioner today, considering that respondent no.2 has not been appearing since the last two dates and that State does not have anything adverse to say in the matter, and keeping in mind the parameters laid down in ***State of Haryana v Bhajan Lal*** 1992 Supp (1) SCC 335, this Court deems it fit to quash the present FIR.

10. The following parameters laid down in ***State of Haryana v Bhajan Lal*** 1992 Supp (1) SCC 335 are relevant and extracted as under:

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.



(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of



the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

(emphasis supplied)

11. Accordingly, the petition is allowed. Consequently, the FIR No. 328/2018 registered at P.S. Rani Bagh, Delhi under Sections 354(C) IPC and the proceedings emanating therefrom stands quashed, considering that it has been filed simply to settle a score. No one has appeared on behalf of respondent no.2 today and has not even appeared from the last two dates as well.
12. The petition is disposed of, along with pending applications (if any).
13. Order be uploaded on the website of this Court.

ANISH DAYAL, J

NOVEMBER 11, 2024

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