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

+ **CRL.M.C. 4099/2023**

HAJI MOHD HANIF

..... Petitioner

Through: Mr. Mohammad Sulaman Khan,
Mr.Daniyal Ayubbi and Ms.Shaziya, Advocates

versus

STATE NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Nawal Kishore Jha, APP for State
with SI Ankit

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

04.04.2024

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1. By way of present petition filed under Article 227 of the Constitution of India read with Section 482 Cr.P.C., the petitioner seeks setting aside of the order dated 06.03.2023 passed by learned District and Sessions Judge, North-East, Karkardooma, Delhi in Cr.Rev. No.119/2022 whereby the order dated 08.04.2022 passed by the trial court came to be upheld.

2. The facts, as apparent from the records, are that the petitioner is the complainant, who had preferred a complaint alleging that respondent No.2 had committed offence under Sections 406/506 IPC. It was alleged that on 23.04.2017, respondent No.2, who was the Investigating Officer in a case pending against the petitioner, his son and grandson visited their shop and took two *kattas* (bags) of rice weighing 25 kgs each. The same were priced @ Rs.3,800/-. While respondent No.2 was taking away the *katas* of rice, the



petitioner demanded for the price, to which respondent No.2 replied that the same would be paid by the next day. When the amount for the rice was not paid by respondent No.2, a complaint was filed on 25.04.2017. As no action was taken on the said complaint, the petitioner made a complaint to the Commissioner of Police on 17.07.2017, followed by reminders.

3. On the complaint made to the Commissioner of Police, an enquiry was conducted by PG Cell. In the said enquiry, no offence was found to be made out. Subsequently, the petitioner filed a complaint before the trial court in which he examined himself as well as one other person namely *Babu Tasreen*. The trial court as well as sessions court, vide the impugned orders, observed that enough material was not found to support the allegations with respect to the commission of offence under Sections 406/506 IPC.

4. During the course of hearing in the present matter, learned counsel for the petitioner fairly concedes that there is not enough material insofar as the allegations with respect to the commission of offence under Section 406 IPC are concerned. He, however, submits that from the reading of the complaint as well as complainant's pre-summoning evidence, the offence under Section 506 IPC is made out.

5. Pertinently, the witness examined in support of the complaint relates only to the offence under Section 406 IPC and has not stated anything about the offence under Section 506 IPC.

It is the case of the petitioner that respondent No.2 had visited subsequently wearing a helmet and threatened the petitioner to implicate him in a false case. From a perusal of the complaint as well as pre-summoning evidence, it is borne out that neither any specific date nor any



details have been given regarding the threats extended, except stating that the petitioner would be implicated in a false case. In absence of material particulars with respect to the date and time, this Court finds no merit in the petition and concurs with the view taken by the Sessions Court as well as by the trial court. Consequently, the petition is dismissed.

MANOJ KUMAR OHRI, J

APRIL 4, 2024

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