



2024:DHC:9862



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

Date of decision: 17th DECEMBER, 2024

IN THE MATTER OF:

+ **CRL.M.C. 5550/2022**

JASDEEP SINGH & ANR.

.....Petitioners

Through: Ms. Mansi Sharma, Mr. Prabhat
Kumar, Advocates

versus

STATE & ANR.

.....Respondents

Through: Mr. Aman Usman, APP for the State.
SI Satish Kumar, PS Lajpat Nagar
Mr. Aayush Bajpai, Advocate for R-2
with Respondent No.2 in person
(through video-conferencing)

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

JUDGMENT

1. The present petition has been filed for quashing FIR No. 563/2021 dated 31.12.2021 registered at Police Station Lajpat Nagar for offences under Section 509, 506, 341 & 34 IPC.
2. The instant FIR has been registered on the complaint of Respondent No.2 herein who is a Judicial Officer working in Uttar Pradesh. A perusal of the FIR shows that on 31.12.2021 at about 6.50 PM, when the Petitioner was travelling in her car bearing registration No. UP 20BR 3174, near Moolchand Red Light, a car bearing registration No. DL 12CS 8333 stopped just before the car in which the Complainant was travelling. It is stated that since the Complainant had to take a U-turn, she honked the horn of her car



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so that she could take the U-turn as she was unable to proceed further because of the fact that car bearing registration No. DL 12CS 8333 had blocked her way.

3. It is stated that on hearing the horn, the accused who was sitting in the backside of the car came out and started abusing the Complainant. The abuses are not mentioned in this order as they are mentioned in the FIR. It is stated by the Complainant that the accused hurled abuses at her, threatened her and indicated that she would slap her, thereby intending to insult the modesty of the Complainant who is a lady and intruding the privacy of the Complainant.

4. It is stated that the Complainant told the person who came out of the car and abused her that their car is parked in the middle of the road from where the Complainant intended to take a U-turn. It is stated that the second person who came out of the car threatened her that he would slap her, had it not been a public place. It is stated that the second person also started abusing her in the same Punjabi language, which is also sufficient to outrage her modesty. The complaint indicates that both the persons who are accused in the present FIR seemed to be drunk. The Complainant called the Police and the Police reached the spot and an instant FIR was registered against the Petitioners.

5. Learned Counsel for the Petitioners contends that Petitioner No.1 is the son of the Petitioner No.2. It is stated that since the mother of the Petitioner No.1 was not feeling well, the father of Petitioner No.1, who was driving the car, stopped the car to give medicine to the mother of Petitioner No.1. It is stated that the mother of Petitioner No.1 was sitting at the back seat of the car along with the mother of Petitioner No.1.



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6. It is stated that after hearing the repeated honking, they only stepped out of the car since the light was red and they could not have moved the car. It is stated that the Complainant stepped out of the car and scolded the Petitioners and told the Petitioners to move the car from the red light but soon the light turned green and the Petitioners got into the car and drove the car to their house.

7. It is stated that when the Petitioners reached home, they received call from the Police Station Lajpat Nagar at about 8:30 PM. Their blood alcohol level test was conducted and no alcohol was found in the blood of both the Petitioners which clarifies that they had not consumed any alcohol.

8. Petitioners No.1 and 2 have tendered an unconditional apology to the Complainant which has been placed on record. This Court requested the Complainant, who is a Judicial Officer, working as Metropolitan Magistrate in Uttar Pradesh, to join the proceedings through video-conferencing. The Complainant has joined the proceedings through video-conferencing. However, she has refused to accept the unconditional apology tendered by Petitioners No.1 and 2 and stated that the accused must face trial for their conduct.

9. Learned Counsel for the Petitioners contends that it is very unfortunate that Respondent No.2/Complainant, who is a Judicial Officer, is taking such a stand in the case. She states that the unconditional apology was given only with the hope that Respondent No.2/Complainant would accept the apology. It is the contention of the learned Counsel for the Petitioners that the ingredients of Sections 339, 506 & 509 IPC are not made out in the present FIR.

10. Learned Counsel for the Petitioners has taken this Court through



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various judgments passed by the Apex Court and the High Courts. Learned Counsel for the Petitioners places reliance on a judgment passed by a Coordinate Bench of this Court in Surender Nath v. State & Ors., **2007 (98) DRJ 628**, wherein this Court while dealing with an offence under Section 503 IPC placed reliance on Section 95 IPC and came to the conclusion that ingredients of Section 95 IPC are to ignore trivial acts and that this is a statutory recognition which is based on the principle of *De Minimis non Curat Lex*.

11. Learned Counsel for the Petitioners also places reliance on another judgment of this Court in Hari Kishan Sharma v. State & Anr., **2018 SCC OnLine Del 11456** wherein this Court quashed charges under Section 506/509 IPC on the facts of that case.

12. Learned Counsel for the Petitioner places reliance on a judgment of the Apex Court in State of Punjab v. Major Singh, **1996 Supp SCR 286** and more particularly Paragraph 3 and 4 of the said Judgment to contend that the offence of outraging modesty of women hinges primarily on the intention or knowledge of the accused rather than the woman's actual reaction and the act must be done intending to outrage or knowing that it is likely that the act will outrage her modesty.

13. Since Respondent No.2 has refused to accept the unconditional apology given by the Petitioners, this Court has no other option but to proceed ahead to consider as to whether the FIR can be quashed at this juncture or not and whether the words uttered by the Petitioners or alleged to have been uttered by the Petitioners have the capability of outraging the modesty of the Complainant would be a matter of trial.

14. Modesty is an attribute associated with female human beings as a



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class and whether a particular sentence or word would outrage the modesty of the woman would depend upon the background from which the Complainant hails, and the circumstances surrounding the Complainant. The question as to whether that particular word or gesture would or would not outrage the modesty of a lady will therefore depend upon trial and it cannot be said that the words uttered by the accused which are present in the FIR cannot at any circumstance affect the modesty of the Complainant. The ingredients of Section 509 and 506 IPC is therefore made out in the present case and in view of the fact that Respondent No.2 has refused to accept the unconditional apology, this Court has no other option but to dismiss the present petition under Section 482 CrPC for quashing the FIR.

15. The petition is dismissed along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

DECEMBER 17, 2024

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