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

+ CRL.M.C. 4351/2025, CRL.M.A. 18947/2025

CRL.M.A. 18948/2025

RAMINA MINOCHA AND ANR

.....Petitioner

Through: Mr. Krishna Kumar Singh and Mr.
Yashaswi SK Chocksey, Advocates.

versus

RAJ KRISHAN GUPTA

.....Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

11.11.2025

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1. A Petition under Section 482 of the Code of Criminal Procedure, 1973 has been filed on behalf of the Petitioners to challenge the Order dated 08.08.2024 of learned JMFC who has summoned the Petitioner for the offences under Section 427/503/506/441/448/120-B IPC.

2. The grounds of challenge essentially are that the allegations are that the Petitioners have occupied the common areas which is incorrect as there are multiple civil ligations pending between the parties. There is no prima facie case made out from the allegations made in the Complaint.

3. Learned Counsel for the Petitioner has argued that the present Petition under Section 482 of the Code of Criminal Procedure, 1973 is maintainable for which he has placed reliance on Vikas Chandra vs. State of Uttar Pradesh & Anr. 2024 INSC 261 and on Rasiklal Mohanlal Gangani vs.



State & Anr. Cr1.M.C.6012/2019 decided by Coordinate Bench of this Court on 23.06.2025.

Submissions heard.

4. In the present case the Order under challenge is the Summoning Order dated 08.08.2024 vide which the Petitioner has been summoned for various offences in a Complaint filed by the Respondent/Complainant. The allegations in the Complaint were of illegal occupation of common areas. In the present case, the Complainant is residing on the Ground Floor while the Petitioners/Accused are also residing in the same building. There have been various disputes inter-se them in regard to parking, alleged occupation of common areas by the Petitioners and that the Petitioners have prevented the Complainant from using the common toilet on the terrace and the servant quarter, which belongs to him. It was claimed that a Police Complaint was lodged on 12.09.2008 by the Complainant on account of violent behavior, acts and nuisance of the Complainant.

5. On 04.06.2008 Accused Ramina Minocha/Petitioner No.1 threw the belongings of the servant of the Complainant, slapped him on his chest, face and groin area and thereafter he was brought to the Ground Floor flat of the Complainant and shouted at the son and daughter of the Complainant and extended threats that she would throw everyone out of the building. Again, on 01.07.2013, the Accused/Petitioner No.1 deliberately parked her car in front of the gate leading to the Ground Floor flat of the Complainant which she refused to remove despite request. Similar incidents in regard to blockage of passage to common terrace area happened on 30.07.2013, 11.02.2009 and 20.12.2018.

6. The Complainant asserted that she had purchased six CCTV Cameras



on 22.12.2018 and installed the entire system. On 30.12.2018 the Petitioners threatened the Complainant to remove the CCTV cameras installed by her or else they would remove it forcefully. The matter was again reported to the Police, though no action was taken. Emboldened by such lackadaisical approach of the Police, they in furtherance to their conspiracy to illegally remove and damage CCTV Cameras, on 31.12.2008 at about 11 A.M the Petitioner No.2 Rajeev Kumar Minocha removed and damaged the wiring along conduit pipes and broke 2 CCTV cameras installed in the driveway of the building. When the Complainant notices the same, she protested but the Petitioner No.2 dared her to call the Police. Similar allegations have been made of criminal trespass under Section 441 read with 448 and 503 and 506 IPC for extending threats. The Complaint was thus filed under Section 200 Cr.P.C for registration of FIR under Section 427, 503, 506, 441, 448 read with Section 120B IPC against the Petitioners.

7. The learned M.M after due consideration summoned the two Petitioners vide impugned Order dated 08.08.2024. The quashing of the Summoning Order has been sought essentially to challenge the alleged incidents and have been claimed to be false. It is asserted that the petitioners intend to settle scores with the Petitioners for their ongoing civil disputes by giving a criminal colour. The Criminal Complaints have been filed by the Complainant with ulterior motive and to harass the Petitioners in one way or the other for the purpose of creating pressure upon them for the purpose of acquiring the property.

8. From the averments as reproduced above, it is evident that these are day to day incidents which happened between the Complainant and the



Petitioners who are residing on the different floor of the same building. Various incidents have been claimed by the Complainant of trespass of common areas, of threats of damage to her property and such like incidents. The Petitioner is challenging them on merit by asserting that civil disputes are being given a criminal colour by wake of present Petition under Section 482 Cr.P.C.

9. The scope of Section 482 Cr.P.C. have been succinctly stated by the Apex Court in the case of Vikas Chandra (supra) reference is made to the case of Smt. Nagawwa vs. Veeranna Shivalingappa Konjaligi & Ors. (1976) 3 SCC 736, wherein it has been stated that:

“(1) where the allegations made in the complaint or the statements of the witnesses recorded in support of the same taken at their face value make out absolutely no case against the accused or the complaint does not disclose the essential ingredients of an offence which is alleged against the accused;

(2) where the allegations made in the complaint are patently absurd and inherently improbable so that no prudent person can ever reach a conclusion that there is sufficient ground for proceeding against the accused;

(3) where the discretion exercised by the Magistrate in issuing process is capricious and arbitrary having been based either on no evidence or on materials which are wholly irrelevant or inadmissible; and

(4) where the complaint suffers from fundamental



legal defects, such as, want of saction, or absence of a complaint by legally competent authority and the like.”

10. Likewise in Rasik Lal Mohanlal Gangani (supra), while considering the scope of Section 482 of the Code of Criminal Procedure, 1973, reference was made to the case of Prabhu Chawla vs. State of Rajasthan (2016) 16 SCC 30, wherein it was observed that there can be no total ban on the exercise of the wholesome jurisdiction under Section 482 Cr.P.C, where *“there is abuse of power of the Court or other extraordinary situation that excites the Court’s jurisdiction. The limitation is self-restraint, nothing more.”* It was further observed that since Section 397 Cr.P.C is attracted against all Orders other than interlocutory, a contrary view would limit the availability of inherent powers under Section 482 of the Code of Criminal Procedure, 1973 Cr.P.C only to petty interlocutory Orders, a situation which is wholly unwarranted and undesirable.

11. Reference was also made to the case of State of Haryana vs. Bhajan Lal : 1992 Supp. (1) SCC 335, wherein the Apex Court had held that where there is abuse of the process of law or interest of justice demands, the Court can always invoke its jurisdiction under Section 482 Cr.P.C to quash the FIR. Likewise, in Indian Oil Corporation vs. NEPC India Limited and Others (2006) 6 SCC 736, while discussing the powers under Section 482 Cr.P.C, it was held that a Complaint can be quashed where the allegations made in the Complaint even if taken on their face value and accepted in their entirety do not prima facie constitute any offence against the Accused, the Complaint has to be examined as a whole but without examining the merits of the allegation.



12. These judgments have, therefore, categorically expounded the jurisdiction of the Court under Section 482 Cr.P.C by saying essentially that it has to be exercised where the interest of justice so demands or where the allegations made in the Complaint amount to nothing but an abuse of process of the Court.

13. The objective of Section 482 Cr.P.C. is essentially to prevent abuse of process of law and to further the cause of interest of justice. However, when there are disputes facts which are involved, Section 482 Cr.P.C. jurisdiction is not the appropriate remedy especially when an alternate efficacious remedy by way of Revision under Section 438 BNSS is available to the Petitioners.

14. In the present case the circumstances as narrated in the Petition do not contain the grounds on which the Petition under Section 482 Cr.P.C. can be entertained. The Petition is hereby disposed of with the liberty to the Petitioner to approach the Revisional Court in accordance with law.

15. The Petition stands disposed of accordingly.

NEENA BANSAL KRISHNA, J

NOVEMBER 11, 2025/va