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

% *Date of decision: 22nd January, 2025*

+ **CRL.M.C. 5347/2019**

1. **DINESH TANWAR**
[President, Shivnath Yogashram (Regd.)]
S/o Late Mangat Ram
R/o WZ-508, Basai Dara Pur,
New Delhi-110015.
2. **LALIT SUMAN**
[President, Shivnath Yogashram (Regd.)]
[President, Delhi State All India Small and Medium News
Papers Federation (Regd.)]
S/o Late B.M. Jha
R/o J-61A, Bandar Wali Kuui,
Ramesh Nagar, New Delhi.
3. **SUNIL KUMAR TANWAR**
[Secretary, Shivnath Yogashram (Regd.)]
S/o Late Bhagwan Das Tanwar
R/o WZ-266, Basai Dara Pur,
New Delhi-110015.
4. **SUKHVIR SAINI**
[Treasurer, Shivnath Yogashram (Regd.)]
S/o Sh. Chunni Lal Saini
R/o C-15, Bali Nagar,
New Delhi-110015.
5. **PRATAP SINGH, ADVOCATE**
Vice President Ancient Sun Temple, Ramesh Nagar [Run by
Shri Shivnath Yogashram (Regd.)]
S/o Late Nathu Ram
R/o B-46, Ramesh Nagar, New Delhi-110015.



All Also at:

Shiv Nath Yogashra (Regd.)
Khasra No.1509, Bandar Wali Kuui,
Ramesh Nagar,
New Delhi-110015.

.....Petitioners

Through: Mr. Amit Kumar and Ms. Khushboo
Sharma, Advocates.

Versus

1. **STATE (GOVT. OF NCT OF DELHI)**

2. **SUDESH MANCHANDA**

D/o Barkat Rai
R/o 1st Floor, Gaushala,
Khasra No.1509, Bandar Wali Kuui,
Ramesh Nagar,
New Delhi-110015.

.....Respondents

Through: Ms. Rupali Bandhopadhyaya, ASC
(Crl.) with Mr. Abhijeet Kumar and
Mr. Anurag Arora, Advocates for the
State with SI Pardeep Kumar, PS
Rajouri Garden, Delhi.

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W.P.(CRL) 923/2021

1. **DINESH TANWAR**

[President, Shivnath Yogashram (Regd.)]
S/o Late Mangat Ram
R/o WZ-508, Basai Dara Pur,
New Delhi-110015.

2. **LALIT SUMAN**



[President, Shivnath Yogashram (Regd.)]
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 S/o Late B.M. Jha
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All Also at:

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 Ramesh Nagar,
 New Delhi-110015.

.....Petitioners

Through: Mr. Amit Kumar and Ms. Khushboo
 Sharma, Advocates.

Versus

1. **THE COMMISSIONER OF POLICE**
 Delhi Police (HQ), ITO, New Delhi.
2. **THE SHO, P.S: KIRTI NAGAR, DELHI**
3. **SHRI YUDHVIR SINGH CHANNA @ TANNU**
 S/o Late Sardar Gurbaksh Singh Channa
 R/o J-20, Bandarwali Kuee,
 Ramesh Nagar,
 New Delhi.
4. **SHRI PREETPAL SINGH CHANNA @ MANNU**
 S/o Late Sardar Gurbaksh Singh Channa
 R/o J-20, Bandarwali Kuee,
 Ramesh Nagar, New Delhi.
5. **KAILASH BHARDWAJ @ KAILASH SHARMA**
 R/o J-79, Bandarwali Kuee,
 Ramesh Nagar,
 New Delhi.



.....Respondents

Through: Ms. Meenakshi Dahiya, APP for the State with SI Rajni Kant, PS Kirti Nagar.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G E M E N T (Oral)

CRL.M.C. 5347/2019:

1. A Petition under Section 482 of the *Code of Criminal Procedure, 1973* ('Cr.P.C' *hereinafter*) has been filed on behalf of the Petitioners seeking quashing of FIR No.919/2016 dated 16.12.2016 under Section 354/506/34 of the *Indian Penal Code, 1860* ('IPC' *hereinafter*) registered at Police Station Rajouri Garden.

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2. A Writ Petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C has been filed on behalf of the Petitioners seeking Directions to Respondent No.1 and 2 to ensure safety and security of Petitioners by protecting them against the imminent danger from Respondent No.3 to 5 and not to interfere in the peaceful life, liberty and day to day affairs of the Petitioners and to stop creating nuisance, harassment and threats to them.

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3. *Brief facts* as stated in both the Petitions, are that the Petitioners are law abiding and peace loving citizens who earn their livelihood by lawful means. They are the members of an Executive Committee/ Office bearers of Shri Shivnath Yogashram (Regd.) which is a Society registered in the year



1970 under *Society Registration Act, 1860*. The Society is the owner/landlord of the entire land and structures forming part of Khasra No.1509, Bander Wali Khui, Ramesh Nagar, Delhi. It is also running various institutions like, Ancient Sun Temple, Govt. aided Sanskrit College, Gaushala etc. under its banner and supervision.

4. The Respondent No.2 Sudesh Manchanda who is one of the tenants of the Society, is a habitual defaulter in making payment of rents. Due to increase in value of immovable property in this locality, she has become dishonest and greedy and intends to grab the land of the Society by using her status of being a lady.

5. Aggrieved by the acts of the Respondent, the Petitioner's Society had filed two **Civil Suit for Cancellation and Mandatory Injunction** titled "*Shri Shivnath Yogashram (Rgd.) vs. Smt. Sudesh Manchanda & Anr.*" and **Civil Suit for Permanent and Mandatory Injunction** against Respondent No.2 Sudesh Manchanda in the year 2012. The Petitioners have also filed a **Criminal Complaint Case** No.2693/2014 titled as "*Shree Shivnath Yogashram (Rgd.) vs. Smt. Sudesh Manchanda & Anr.*" for the commission of offences under Section 415/425/463/464/468/470/471/34/120B IPC.

6. The Petitioners have claimed that in order to pressurize the Committee Members of the Trust, the Respondent No.2-Sudesh Manchanda has initiated the criminal proceedings against all the Committee Members of the Society so as to be able to grab the immovable property of the Trust. After the registration of FIR No.919/2016 on 16.12.2016 the Petitioners No.1 and 2 had filed Crl. M.C. No.357/2017 for quashing of the FIR, which was dismissed by this Court *vide* Order dated 27.01.2018 with



liberty to file a fresh Petition in case the Chargesheet is filed.

7. The Petitioners have submitted that after the completion of investigations, the Police Officials have filed the Chargesheet against all the Petitioners under Section 354/506/34 IPC and the same is pending before the Court of learned Metropolitan Magistrate, Tis Hazari Courts, Delhi and was fixed for arguments on Charge on 19.11.2019.

8. The quashing of the FIR and the consequential proceedings has been sought on the grounds that the Complaint made by Respondent No.2 Sudesh Manchanda is patently malafide and has been filed with the ulterior motive of taking vengeance on the Petitioners due to private and personal grudge. The Petitioners in their Complaint dated 23.09.2013, 24.03.2014 and 30.03.2015 had already expressed their apprehension of being implicated in false cases of sexual harassment by the Complainant.

9. It is asserted that the Investigating Officer has miserably failed to appreciate that Respondent No.2/Complainant is one of the tenants of the Society and has initiated false case with an intent to avoid payment of arrears of rent. The Investigating Officer has further failed to appreciate that the Society has already filed two Civil Cases and one Criminal Complaint in Tis Hazari Court much prior to filing of the false case by the Complainant.

10. It is further asserted that Respondent No.2 is a habitual complainant, who has been filing false cases against the innocent persons in her name or of her daughter. For ulterior motives, she has filed cases against Shri Madan Lal Khurana, former Chief Minister, Delhi, Commissioner MCD, Delhi, SHO Police Station Kirti Nagar, Editor of Daily Newspaper '*India Darpan*' [FIR No.318/10 under Section 354/341/509/34 IPC through Rama Segla,



Associate of Respondent No.2], President of Nirmal Welfare Association Regd.), Secretary of Shivnath Yogashram (Regd.) [FIR No.946/14 under Section 509 IPC P.S. Kirti Nagar through her daughter], Priest of Old Sun Temple [FIR No.378/15 under Section 354/323/34 IPC Police Station Kirti Nagar], Retired employees and Security Guard of Motinath Sanskrit College and all members of Executive Committee of Shivnath Yogashram [FIR No.919/16 under Section 354/506/34 IPC].

11. It is claimed that she is running an organized gang comprising of false complainants, false complaint writer, makers of false legal documents, false witnesses, etc. It is submitted that during the period 01.01.2014 to 15.09.2015 Respondent No2 and her Associate Rama Sehgal has filed five complaints relating to offences against women, as per the reply in RTI Letter dated 18.09.2015.

12. In addition to this, Respondent No.2 has filed seven complaints of unauthorized construction, threats of trespassing and breaking open of locks, forged sale documents, threats to priests and employees between 23.09.2013 till 22.05.2014. It is alleged that the present FIR has been filed only to harass and pressurise Petitioner No.2; hence the quashing of the FIR has been sought.

13. Reliance has been placed on State of Haryana and Ors. vs. Ch. Bhajan Lal and Ors. AIR 1992 SC 604, wherein it was observed that the powers under Section 482 Cr.P.C can be used either to prevent the abuse of process of the Court or to secure the ends of justice. A prayer is, therefore, made for quashing of FIR No.919/2016.

14. ***The State has filed the Status Report***, wherein it is stated that on



31.10.2016 a Complaint was made by Shri Suresh Manchanda, wherein it was asserted that the Complainant is managing the affairs of Trust under the name and style of “Yogi Ramnath Goshala Trust” and accused persons were claiming themselves to be the members of Shivnath Yog Ashram. On the night of 22.10.2016, the complainant along with Shri Kailash Bhardwaj after purchasing goods from market Rajouri Garden reached the red light, suddenly all the accused persons obstructed their way and insulted her by speaking wrong words against “Gurus” by saying “*Tumhare Guruji mujahid ali nijami tha hai, chor hai or nimudin dargah per logo ko dharma ke namm per loot te hai*”. The accused persons also attacked the Complainant and hit her on her breast and threatened that in case Rs.5,000/- were not given to the Trust, then Complainant would be killed and *goshala* shall be burnt down. The three accused persons also gave tight slaps to the Complainant and abused Shri Kailash Bhardwaj. They also demanded protection money/rangdari from the Complainant and other shopkeepers.

15. Thereafter, a Complaint under Section 156(3) Cr.P.C was filed which was allowed *vide* Order dated 15.12.2016 and pursuant to the directions given therein, FIR No.919/2016 was registered. During investigations, Statement under Section 164 Cr.P.C of the Complainant was recorded by the learned M.M. which supports the version of FIR. The Chargesheet has been filed before the Court on 17.11.2018 against the accused Dinesh Tanwar, Lalit Suman, Sunil Kumar Tanwar, Sukhvir Saini and Rajbir Singh. The matter is pending at the stage of Prosecution Evidence.

16. **Submissions heard and record perused.**

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17. The Complainant had made specific averments of having been sexually harassed and threatened by the Petitioners. The FIR was registered on the directions of the learned M.M under Section 156(3) Cr.P.C and after investigations, the Chargesheet already stands filed and the matter is pending at the stage of evidence

18. The *grounds* on which the Petitioners have sought quashing is that the Complaint has been filed for extortion maliciously as she is in a habit of filing such false complaints, as has already been detailed above. However, the *mala fide*, maliciousness or the ulterior motives can be asserting only in the evidence. Prima facie, at this stage it cannot be said that no offence is disclosed from the complaint. Pertinently, Chargesheet has been filed and even the Charges have been framed and the Prosecution Evidence is being recorded.

19. The Writ Petition is pre-mature and there is nothing to pre-judge the complaint as malafide and motivated. There may have been five complaints filed by the Complainant against different persons and the Petitioners, but that in itself cannot be considered as a circumstance to believe that this incident which happened on 23.10.2016, is false.

20. No expressions on the merits of the Complaint can be expressed at this stage which is to be tested on the anvil of evidence. There is no merit in the present Petition, which is hereby dismissed.

W.P.(CRL) 923/2021:

21. The Petitioners seek Directions to Respondent No.1 and 2 to ensure safety and security of Petitioners by protecting them against the imminent danger from Respondent No.3 to 5. The grounds for seeking protection by



the Petitioners are essentially the same as narrated above.

22. The concerned SHO/DCP shall make the phone number of the Beat Constable and the SHO available to the Petitioners, who aside from routine patrolling near the house of the Petitioners, shall also remain available on the Mobile and attend to any call which may be made to them by the Petitioners.

23. With these directions, the Writ Petition stands disposed of.

(NEENA BANSAL KRISHNA)
JUDGE

JANUARY 22, 2025/va