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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5056/2025 & CRL.M.A. 21889/2025**

SMT APetitioner
Through: Ms. Anushkaa Arora
(DHCLSC) with Ms.
Megha Bhati, Advs.

versus

STATE NCT DELHI & ANR.Respondents
Through: Mr. Sunil Kumar Gautam,
APP for the State
SI Abhimanyu, PS- Sonia
Vihar

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
29.07.2025

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1. The present petition is filed challenging the order dated 26.03.2024 (hereafter '**the impugned order**') passed by the learned Court of Sessions, North East, Karkardooma Courts, Delhi, dismissing the revision petition filed by the petitioner/complainant challenging the order dated 07.04.2021 passed by the learned Metropolitan Magistrate ('MM').
2. The learned MM, by the order dated 07.04.2021 has framed charge for offences under Sections 354/354A/ 354B/ 506/ 323/34 of the Indian Penal Code, 1860 against the accused persons, namely, Vishal and Brijesh Singh, however, discharged Respondent No. 2 noting that vague allegations have been made against him.
3. It was also noted that, in the complaint and the initial statement under Section 161 of the Code of Criminal Procedure, 1973 ('**CrPC**'), no allegation was made against Respondent No.



2 that he had intimidated the petitioner. The allegations were subsequently made when the statement was given under Section 164 of the CrPC.

4. The order passed by the learned MM was challenged in the Court of Sessions with a delay of more than one and a half years.

5. The learned Court of Sessions did not find merit in the application seeking condonation of delay and dismissed the same, thereby dismissing the revision petition.

6. The present petition has also been filed after more than fifteen months of passing of the impugned order.

7. The learned counsel for the petitioner submits that the petitioner had approached the Delhi High Court Legal Services Committee ('DHCLSC') for filing of the present petition and the case was initially assigned to another Advocate and since the petition was not filed, the case was, thereafter, assigned to her and the petition was immediately filed before this Court.

8. The order discharging Respondent No. 2 was passed more than four years back and the trial has since proceeded and is at the stage of prosecution evidence. Much water has flown since the passing of the impugned order by the learned MM.

9. Undisputedly, the petitioner had taken recourse to legal aid by approaching DHCLSC. Even if the reason for filing the present petition belatedly is attributed on the counsel who was appointed by the DHCLSC, it cannot be denied that the petitioner had, in fact, approached the learned Court of Sessions with an inordinate delay of more than one and a half years.

10. Even otherwise, the perusal of the record indicates that the complaint was made initially on 11.05.2018 alleging that the accused persons namely– Brijesh Singh and Vishal Singh @ Vicky, had beaten the complainant and outraged her modesty. No



allegation was made against Respondent No. 2.

11. In her statement under Section 161 of the CrPC recorded on 12.05.2018, the petitioner nowhere mentioned about the fact that Respondent No. 2 intimidated her. She merely mentioned the incident that took place on 11.05.2018, when she, along with her husband and children, went to a party at her neighbour's house. She alleged that Brijesh Singh and Vishal Singh @ Vicky were also attending the same party, who came and stood beside her and put their hands on her waist, and started using force upon her when she resisted. It is alleged that when her husband intervened, they started assaulting her husband as well, whereafter she dialled 100.

12. Subsequently, in her statement recorded on 23.05.2018 under Section 164 of the CrPC, she has narrated the incident that took place on 11.05.2018 as well as the events that took place from 10.04.2018 to 12.04.2018, that is, much prior to the filing of the compliant. She alleged that on 12.04.2018, Respondent No. 2 threatened to kill the petitioner's husband, and on 12.05.2018, he threatened her and her husband that if they go to Court, he would kill them.

13. It appears that at a subsequent date, when the statement was given under Section 164 of the CrPC, certain allegations were made against Respondent No. 2 as well, which are clearly an improvement over the initial allegations. Thus, the learned MM was rightly of the view that vague allegations have been made against the Respondent No. 2 while discharging him of the offences under Sections 354/354A/354B/506/323/34 of the IPC. This Court finds no infirmity with the order 07.04.2021 passed by the learned MM.

14. The Hon'ble Apex Court in the case of **Dilawar Balu**
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Kurane v. State of Maharashtra : (2002) 2 SCC 135 has observed that where there exist two different versions of statements in the record, a charge cannot be framed on such conflicting evidence. It was observed that it is unsafe to rely on subsequent statements that are different from the earlier ones. The Hon'ble Court further held that when faced with two contradictory versions, Court would be justified in preferring the version that supports the discharge of the accused, especially when the statements appear to be an afterthought or are otherwise unreliable.

15. Even otherwise, as noted above, the petitioner challenged the said order before the learned Court of Sessions with a delay of more than one and a half years. In the aforesaid circumstances, this Court does not find any illegality or perversity in the impugned order passed by the learned Court of Sessions dismissing the revision petition preferred by the petitioner.

16. Merely because the petitioner does not belong to an affluent strata of society, this cannot give her a right to approach the Courts with such delays.

17. The filing of frivolous cases has a spiral effect on other litigations which are waiting for their turn to be heard before the Courts.

18. Although the present case clearly qualifies as one where costs should be imposed on the party for filing a frivolous and belated petition, this Court has chosen to refrain from passing such an order with a direction to DHCLSC to exercise greater vigilance and sensitivity in deciding which cases to pursue. The misuse of the legal process through frivolous litigation wastes judicial time and resources, and the DHCLSC must ensure that only cases of genuine litigants in need of legal aid and the cases



which on the face of it hold ~~men~~ are brought before the Court, avoiding unnecessary burden on the judicial system.

19. The filing of frivolous cases has a far-reaching, detrimental impact on the legal system. It not only clogs the Courts with unnecessary litigation but also delays the hearing of genuine cases that are patiently awaiting their turn to be addressed. Such delays undermine the efficiency of the judiciary, causing distress to litigants. Therefore, it is imperative that the prosecution and legal departments exercise due diligence before initiating cases, in order to preserve the integrity of the judicial process and ensure timely justice for those with legitimate grievances.

20. The present petition is, therefore, dismissed. Pending application(s) also stand disposed of.

21. A copy of this order be sent to the DHCLSC.

AMIT MAHAJAN, J

JULY 29, 2025

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