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

+ CRL.M.C. 5261/2025, CRL.M.A. 22740-22741/2025

Pronounced on: 5th August 2025

SATISH SHARMA & ANR.

.....Petitioners

Through: Mr. Viresh B. Saharya, Mr. Akshat Agarwal and Mr. Rishabh Mathur, Advocates.

versus

STATE & ANR.

.....Respondents

Through: Mr. Shoaib Haider, APP for the State with SI Ajay, PS Saket.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

1. Petition under Section 528 of B.N.S.S. has been filed on behalf of the Petitioners for setting aside Order dated 29.05.2025 vide which learned ASJ upheld the Order of learned ACJM dated 09.10.2024 directing framing of *Charges under Sections 506(1)/509/341/34 IPC.*

2. ***Brief facts are that*** the Complainant/Respondent No.2 Ms. Krishna Sharma got married on 27.02.2020 with Amit @ Manoj S/o Satish @ Sanjay. She claimed that she faced domestic violence at the hands of her husband and her in-laws, due to which she was compelled to leave her matrimonial house and she started living with her parents at her maternal house. She had filed a case at Mahila Police Station, Sector 35 Noida against her husband Amit @ Manoj (since deceased), her father-in-law Satish @ Sanjay (Petitioner No.1 herein) and brother-in-law Harshvardhan (Petitioner No.2 herein) and others.



3. She alleged in her Complaint that she came to know that her husband Amit @ Manoj was previously married to one Pooja D/o of Rambir Kaushik r/o Palwal, Haryana, and for this reason she came in contact with Rambir Kaushik. She further claimed that she also got information from Police Station Mahila Thana, Noida that her father in-law Satish @ Sanjay had moved an Application for Anticipatory Bail before the Court of learned ASJ, Saket Courts in Court Room No.311. She asked Rambir Kaushik to accompany her to Saket Courts. On 17.03.2024 at around 10:00 AM, she along with Rambir Kaushik reached outside Court Room No.311 of Saket Courts. Petitioners were already present there and on seeing her, they hurled abuses at her and also started making video.

4. She further alleged that Petitioner No.2 threatened her that if she does not withdraw the case, he would disrobe her there itself and she would not be able to face anyone. Seeing this, Rambir Kaushik tried to protest, but he was threatened to be killed. When he was going inside the Court Room, the Petitioners had held him by the collar and his neck and pushed him, because of which he fell on the floor. The Complainant then got frightened and ran away and the Petitioners continued to hurl abuses at her. Upon hearing the noise, she was called inside the Court Room by the learned Judge and in the meanwhile, Petitioners ran away from there. On her Complaint dated 18.03.2021, FIR No.0066/2021 was registered under Section 506/509/341/34 IPC at PS: Saket. Chargesheet has been filed.

5. *On 03.06.2023, Petitioner No.1 had moved an Application under Section 239 Cr.P.C. seeking discharge, but the same got dismissed by the learned ACMM vide Order dated 09.10.2024.*

6. *The Order on Charge was challenged before in the Revision before*



Ld. ASJ, who vide Order dated 29.05.2025, upheld the Order dated 09.10.2024 of the Ld. M.M. dismissing the Application of Petitioners for Discharge. This Order dated 29.05.2025 has been challenged on the grounds that the statement of the witnesses are *prima facie* false and the Learned ASJ has misconstrued the inconclusive CCTV footage dated 17.03.2021, as corroboration.

7. It is the specific case of prosecution, that as per the FIR dated 18.03.2021 that while going towards the Court Room, Rambir Kaushik was held by his collar and neck, then pushed to the ground. On the contrary, learned ASJ in Para 10 of his Order dated 29.05.2025 and learned Trial Court in Para 6 of its Order dated 09.10.2024, observed that no such incident has been recorded in the CCTV footage which is the basis of genesis of entire prosecution case. There is misapplication of Section 341 IPC as the allegation in the Charge Sheet asserts wrongful restraint based on interpretation of CCTV footage. Despite this, ***Charge under Section 341 IPC*** has been directed to be framed.

8. It is claimed that for CCTV footage did not depict any restraint, abuse, or confrontation, as alleged. It clearly shows no visibility of any verbal or physical exchange due to obstructed view and no depiction of alarm or obstruction of movement is visible. Despite this, learned Trial Court has inferred culpability, a conclusion that runs contrary to the principles laid down in Onkar Nath Mishra vs. State, (2008) 2 SCC 561 and Som Nath Thapa, (1996) Cri LJ 2448, which clarify that mere presence of suspicion, cannot justify framing of charge.

9. Learned ASJ has held that even transient restraint may attract Section 341 IPC, while admitting that no such act is evident in footage. Learned ASJ



in his Order has observed that there is nothing in CCTV footage to conclusively establish that no such offence had taken place. Such reasoning unlawfully shifts the burden onto the accused, contrary to the ratio of Kantilal Martaji vs. State of Gujarat, 2014 Cri LJ 2400, which requires an affirmative act of obstruction, not speculative deduction.

10. In so far as ***offence of criminal intimidation under Section 506 IPC*** and ***of outraging modesty under Section 509 IP are concerned***, it is submitted that learned ASJ has ignored lack of *Mens Rea* or alarm required for Section 506 IPC. No witness statement, CCTV segment, or complainant testimony establishes intent to cause alarm, a *sine qua non* for invoking Section 506 IPC. In the judgment of Manik Taneja vs. State of Karnataka it was observed that mere expression of words without intention to cause alarm, would not suffice.

11. It has not been appreciated that the allegation of physical altercation between the Petitioners and Rambir Kaushik, is in continuation of the allegations of threat and outraging modesty, and all of them are interwoven in a manner that cannot be separated. The reasoning given in impugned Order dated 29.05.2025, is completely contrary to the Chargesheet. The Complainant had alleged in her Complaint dated 17.03.2021 that when the Petitioners were hurling abuses at her, it was at that moment that Rambir Kaushik protested, at which the Petitioners had physical altercation with him. They caught hold of his collar and neck and stopped him from going inside the Court Room and also pushed him to the floor. The Complainant is claimed to have got frightened and ran away.

12. Statement of the Complainant under Section 164 Cr.P.C. is vague and does not specify as to how Rambir Kaushik was restrained by the



Petitioners.

13. On the other hand, *Rambir Kaushik* in his statement under Section 161 Cr.P.C. had stated that the Petitioners had caught hold of his collar and neck, and stopped him from going inside the court room. *Akhilesh Mishra* in his statement under Section 161 Cr.P.C. also stated the Petitioners pushed the other person (*Rambir Kaushik*) due to which he fell on the ground outside the door of the court. It is submitted that both learned ACMM and learned ASJ have completely ignored that *prima facie* all the statements are false.

14. It is further contended that learned ASJ has not appreciated that the allegations of obscene or insulting words comes only from the Complainant. Both cited witnesses, i.e. *Rambir Kaushik* and *Akhilesh Mishra*, have not corroborated her on this aspect. Learned ASJ though has noted in Para 6 of the impugned Order that learned counsel for Respondent No.2/Complainant has submitted that wife of Petitioner No.2 had got an FIR registered under Section 376 IPC against the brother of the Complainant. Subsequently, in March, 2021, due to malice and to settle scores in a counter blast, the allegations of Section 509 IPC have been leveled by the Complainant. Learned ASJ despite admitting uncertainties in the Order of learned MM, has still upheld the Order of framing of charge, which contradicts the foundational requirement under law that *prima facie* ingredients must be visible, not speculative.

15. It is further contended that no offence under **Sections 506/509/341 IPC** are made out. Also, there was no common intention *inter se* the Petitioners. Reliance has been placed on *Kehar Singh vs. State*, 1998 (3) SCC 609.



16. It is submitted that there is no offence made out from the chargesheet, and therefore, the impugned Order directing framing of charge is liable to be set aside. Reliance has also been placed on Union of India vs. Prafulla Kumar Samal, 1979 SCC (CRI) 609 and on Dilawar Balu Kurane vs. State of Maharashtra, 2002 (2) SCC 135.

17. *The other ground to challenge the order* is that Rambir Kaushik had no matter before any court in Saket Courts that day, and he had appeared along with the Complainant as a pre-planned conspiracy to falsely implicate the Petitioners in the present case. Rambir Kaushik does not have clean antecedents, as there are about 07 FIRs registered against him and his daughter Pooja Kaushik. Rambir Kaushik had been instrumental in filing of the false Complaint as the present matter against the Petitioners, with a view to wreak vengeance. It is therefore, submitted that the Order dated 29.05.2025 of learned ASJ, upholding the Order on framing of charge of learned MM dated 09.10.2024, be set aside.

18. *Learned APP for the State appeared on advance Notice.* It is argued that there are specific averments in the statements of the Complainant as well Rambir Kaushik, about he having been wrongfully restrained from entering the Court Room and using of the abusive and indecent language by the Petitioners against the Complainant. Also, the abuses and threats extended by the Petitioners created an alarm in the mind of the Complainant and she ran away from the spot, but was subsequently called by the learned Judge in the Court Room.

19. It is further argued that CCTV footage is only corroborative evidence and it has been rightly observed by learned ASJ that exact scene of the collar of Rambir Kaushik being caught and he being pushed to the floor was not visible



in CCTV footage. However, CCTV footage is not an absolute document, which alone is not the basis for the *prima facie* case. The statement of the Complainant and the Prosecution witnesses at this stage of framing of Charge, cannot be overlooked. Learned MM has rightly directed *framing of Charges*, which has also been upheld by learned ASJ. There is no merit in the present Petition and the same is liable to be dismissed.

Submissions heard and record perused.

20. The case of the Prosecution is that Respondent No.2 had a matrimonial dispute with her husband and had gone to Saket Courts on receiving a Notice of Application for Anticipatory Bail, filed by the Petitioners. She along with Rambir Kaushik went to attend bail proceedings. It is also not in dispute that the Petitioners were present outside the Court Room.

21. Specific allegations of the Complainant are that while she and Rambir Kaushik were present outside the Court Room, the Petitioners started using abusive language and started preparing the video of them and threatened them that if she does not withdraw her Complaint, they would strip her naked right there and she would not be able to show her face to anywhere. These allegations *prima facie* make out a case ***under Section 509 IPC***, as has been rightly observed by learned MM and learned ASJ.

22. It is further submitted in the Complaint that when Rambir Kaushik objected to the Petitioners' behavior, he was threatened to be killed and when he proceeded towards the Court Room, both the Petitioners held him by his collar and neck; and when he tried to defend himself, he was pushed by them, due to which he fell on the ground.

23. There are specific allegations in the Complaint of Rambir Kaushik



being restrained from going inside the Court Room. Akhilesh Mishra has also categorically stated in his statement under Section 161 Cr.P.C. to the same effect.

24. The main contention to allege that no *prima facie* offence under **Section 341 IPC** made out, is that entire CCTV footage had been played before the learned ACMM as well as before the learned ASJ, who had in detail recorded about the CCTV footage. He had observed that from the CCTV footage on record, it is seen that at 10:06:20, both the Revisionists can be seen standing together outside the Court Room. Complainant/Respondent No.2 can be seen coming there wearing a yellowish *kurta*. At 10:06:34, she can be seen going towards the Court Room and both the Revisionists can be seen following her quickly. It is not clear as to whether they had entered inside the Court Room or not due to presence of several Advocates/Litigants which blocked the clear view of the entrance to the Court Room. It is also not clear from it as to whether any communication had taken place between them at that time. Shortly thereafter, both the Revisionists can be seen returning to the earlier spot. At 10:07:02, Revisionist No.2 Harshvardhan can be seen making a video apparently of Rambir Kaushik. Soon afterwards, it appears that some communication took place between them and both revisionists can be seen charging towards him. Again, it is not clear as to what transpired thereafter. Presence of Complainant at that time has not been captured in the footage due to view of entrance to the Court Room having been blocked as mentioned above. A Security Guard can also be seen in the frame at 10:07:28, but as per the CCTV footage, he might not have witnessed the entire incident. At 10:07:31, Revisionist No.1 can be seen aggressively



pointing towards someone probably Rambir Kaushik or Complainant or both. Thereafter, both the Revisionists can be seen leaving at 10:07:45.

25. Now from this entire CCTV footage, which has been detailed by the learned ASJ, it is evident that some part of incident was clearly recorded while some part got blocked due to presence of litigants and advocates. In fact, from the CCTV footage, the narration of the facts as detailed in the Complaint is *prima facie* made out, insomuch as the CCTV footage corroborates the presence, altercations and also the timings of the parties coming and going outside the Court Room.

26. It is pertinent to note that there are statements of the Complainant as well as two other witnesses giving the details of entire incident. Merely because certain scenes have not been captured in the CCTV footage, cannot be a ground to disbelieve their statements *at this stage of framing of charge*.

27. It is settled law that at the stage of framing of charge, the evidence as presented in the chargesheet, has to be considered to ascertain if there is a strong *prima facie* case made out for framing of charge. The veracity of the statements of the witnesses cannot be questioned or challenged, which is subject matter of trial.

28. The entire arguments of learned counsel for the Petitioners rests on the CCTV footage, as not having captured the exact words that were exchanges between the parties or that the collar of Rambir Kaushik was been held, but as already noted above, the statements of the witnesses cannot be ignored or overlooked at this stage. Moreover, The CCTV footage is only corroborative evidence. Moreover, from the observations of Ld. ASJ, it is evident that some art of incident could not be captured it cannot be said that it is counter to the statements of the witnesses. The contradictions if any, as



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claimed by the Petitioners is a subject matter of trial.

29. There is no infirmity in the impugned Order dated 29.05.2025 passed by learned ASJ-06, Saket Courts in Criminal Revision No.564/2024.

30. Petition is hereby dismissed. Pending Application, if any, also stands disposed of.

NEENA BANSAL KRISHNA, J.

AUGUST 05, 2025/R