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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 19th November, 2025

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CRL.M.C. 1515/2017, CRL.M.A. 6184/2017 (stay)

1. **NAVED**
2. **MUBIN**
Both sons of Late Shri Babuddin
3. **SMT. ZUMRUD**
W/o Late Shri Babuddin
4. **MS. ZAKRA**
D/o Late Shri Babuddin Elhi
5. **MOHD. NAEEM**
S/o Late Shri Babuddin
All R/o 99, Chhata Lal Mian,
Darya Ganj, New Delhi.

.....Petitioners

Through: Mr. Diwan Singh Chauhan and Mr.
Viplav Rawat, Advocates.

versus

REHANA
W/o Late Swaleen
R/o 98 Chhata Lal Mian,
Darya Ganj, New Delhi.

.....Respondent

Through: Mr. M.Tabish Zia, Advocate.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA



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J U D G M E N T (oral)

1. Petition filed under Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C"*) on behalf of the **Petitioners/Naved, Mubin, Smt. Zumrud, Ms. Zakra, Mohd. Naeem** for setting aside of the **Order dated 25.01.2017** of Ld. Special Judge, Delhi in CR No. 09/2016 titled "*Naved vs. Rehana*" who upheld the **summoning Order dated 24.05.2016** vide which the **Petitioners were summoned under Section 323/341/506/34 of the Indian Penal Code, 1860** (*hereinafter referred to as "IPC"*).

2. The **brief facts** are that a Complaint under Section 200 Cr.P.C was filed under **Section 323/341/506/34 IPC** by the **Respondent/Rehana** against the Petitioners wherein it was alleged that on 11.10.2015, at about 11:30 AM, the Respondent/Complainant along with her son, **Mohd. Amir** was going to their house after purchasing some vegetables from *Subzi Mandi, Darya Ganj, Delhi*. When they reached near *Golcha Cinema, Darya Ganj, Delhi*, they both saw that the accused persons i.e. the Petitioner were waiting for them. Thereafter, on the directions of Smt. Zumrud Begum, Mobin @ Bittoo and Naeem caught hold of the Respondent and Ms. Zakra Begum started beating the Complainant with a *chappal*. Naved pulled off her *burka* and slapped her. The Respondent raised an alarm and was rescued by her son and some passersby. Thereafter, the Petitioners ran away while giving life threats to her.

3. The Complainant made a **Written Complaint dated 13.10.2015, vide DD No. 55B** at PS Darya Ganj against the Petitioners, and also sent a written reminder to the DCP, Central District, on 14.10.2015, yet no action



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was taken. **Consequently, the Respondent filed the present Complaint Case No.284/1/15 against the Petitioners.**

4. The Respondent in her pre-summoning evidence, examined herself as **CW-1/Rehana** and her son as **CW-2/Mohd. Amir** wherein they reiterated the facts as narrated in the Complaint.

5. **Ld. MM in the Order dated 24.05.2016** noted that from the Complaint and evidences on record, there were *prima facie* materials and summoned all the Petitioners for the offences punishable under **Section 323/341/506/34 IPC**. However, it was observed that the *ingredients of Section 354 & 509 IPC* were absent.

6. Aggrieved by the summoning Order, the Petitioners filed a **Revision Petition bearing CR No. 09/2016**, which was dismissed by Ld. Special Judge, Central District, Tis Hazari, Delhi *vide Order dated 25.01.2017*.

7. *Aggrieved by the summoning Order dated 24.05.2015 and Order dated 25.01.2017 of Ld. ASJ, the present Petition has been filed.*

8. The **grounds of challenge taken by the Petitioners herein** are that the Ld. Revision Court failed to appreciate that the Status Report *clearly stated that a property dispute was ongoing between the Complainant/Respondent and the Petitioners*. Both the Courts overlooked this fact and did not seek any clarification from the Complainant/Respondent regarding the dispute. the impugned Order was passed in a *mechanical manner*.

9. It is submitted that the Ld. Courts also failed to consider that the Petitioners had already filed a Complaint with the concerned Police Station stating that the Respondent was making false and frivolous allegations



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against them and their family members *in order to put pressure on them*. On earlier occasions as well, the Respondent has tried to implicate the Petitioners and their other family members in false and frivolous cases. Despite this, the Respondent managed to misuse the legal process and get a false case registered.

10. After receiving the Report in the concerned Police Station, a *kalandara* was made against both the parties which however, elapsed with the passage of time.

11. Ld. Trial Court has issued summons to the Petitioners without considering that the dispute between the parties was *actually a civil property matter*. Had all the above facts been considered, the summons would not have been issued, and the Petitioners called to face Criminal Charges for something they never did.

12. It is submitted that in 2012, the Respondent along with her sons, began raising illegal and unauthorized construction on part of property No. 98, *Chhatta Lal Mian, Darya Ganj, New Delhi*. This forced the Petitioners to file a *Suit for Permanent Injunction* along with an Application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure. In said case, Ld. Civil Judge, Delhi, granted an Interim Injunction restraining the Respondent and her sons from carrying out any such illegal construction on the property. The Suit was *decreed in favour of the Petitioner No. 5/Mohd. Naeem*. The Contempt Petition filed against Respondent and her sons, is also pending along with several other Suits.



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13. However, the Respondent repeatedly filed false Complaints against the Petitioners but failed in her attempts. She then adopted another tactic by filing the present Criminal Complaint only to harass the Petitioners.

14. It is well-settled that a Trial Court should not act mechanically, but must examine the allegations properly. The Respondent's Complaint is purely *malafide* and intended only to pressure the Petitioners into withdrawing their pending civil cases. The ***Status Report*** also mentioned a property dispute; the Ld. Trial Court should have sought further enquiry from the SHO.

15. Furthermore, the Ld. Courts below failed to notice *clear contradictions* in the Respondent's Complaint and Statements. CW-1 and CW-2 claimed that "*Zafra Begum*" beat the Complainant with a chappal, yet the summons was issued against "*Zakra*", and no person named *Zafra Begum* even exists in the Petitioners' family. Similarly, the Respondent wrongly referred to *Smt. Zumrud* as "*Zumret Begum*," which is strange since she has lived next to the Petitioners for over 35 years and belongs to the same community.

16. The Respondent also alleged that "*Zumret Begum*" told others to kill her because she had filed a Suit against them in Tis Hazari Courts. But the Respondent has never filed any such Suit against *Smt. Zumrud* or her family. Instead, it is Petitioner No. 5 who filed Suits against the Respondent and her sons, some already decided and others still pending. *These contradictions clearly show that the Complaint and pre-summoning statements are false.*



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17. It is submitted that while issuing the summons to the Petitioners, the Ld. Trial Court has overlooked the fact that the alleged incident is of 11.10.2015 and *the Complaint was made on 13.10.2015 at about 2:35 PM* and there is no single document of any kind including medical of Respondent, to substantiate the allegations raised by the Respondent against the Petitioners.

18. Furthermore, Ld. Courts failed to consider that *Smt. Zumrud*, mother of the Petitioners, is over 65 years old, suffers from various ailments, including arthritis.

19. It is also submitted that while the Respondent mentioned the correct address of the Petitioners in her Complaint dated 13.10.2015, she gave different addresses of the premises in the Complaint filed before the Ld. Trial Court, that are only partly occupied by the petitioners. This reflects the Respondent's *mala fide* intentions.

20. *Lastly*, it is submitted that the place of the alleged incident is a densely populated area, yet no independent or public witness has been cited. The only witnesses named are interested witnesses presented by the Respondent.

21. *Thus, the impugned Judgment and Order are liable to be set aside.*

22. **Ld. Counsel for the Respondent** has vehemently opposed the present Petition.

23. It is submitted that the parties involved are neighbours with multiple litigations pending against each other. In this backdrop, the act of violence has been committed against the Respondent, which does not merit any quashing.



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Submissions heard and record perused.

24. The Petitioners herein seek quashing of the summoning Order in a Complaint filed by the Respondent/Rehana alleging offences under Sections 323/341/506/34 IPC. It is the primary contention of the Petitioners that the said Complaint is a motivated action, stemming from a pre-existing property dispute between the parties and is a misuse of criminal law in order to pressurize them.

25. The allegations against the Petitioners are under **Section 323** (*voluntarily causing hurt*); **Section 341** (*wrongful restraint*); **Section 506** (*criminal intimidation*) IPC. At the summoning stage, the Court is only required to determine whether the Complaint and evidence and relevant material on record, discloses the essential ingredients of said offences.

26. The ***first aspect*** for consideration is the unexplained delay of two days in filing the Complaint. The incident as per the Respondent, took place on 11.10.2015 but the first Complaint was made only on 13.10.2015 to the SHO i.e. after two days. Although the handwritten Complaint is dated 11.10.2015 but was received by the SHO on 13.10.2014. This delay is confounded with lack of any call to PCR on the happening of the incident, which is the first natural reaction of a person in distress. The delay in reporting the incident is not supported by any cogent reason and *prima facie* indicates an afterthought and embellishment.

27. The ***second aspect*** which assumes significance is that the Respondent got herself examined for the alleged injuries inflicted on her, after four days, *vide* MLC dated 15.05.2015. There is no explanation for her to get herself medically examined after four days of the incident, except to create



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corroborative evidence. Furthermore, it is interesting to note that as per the MLC, the Respondent had '*scratch marks*'. For such insignificant injuries, no person would go to get an MLC prepared. It is also pertinent to observe that the examining Doctor opined that '*possibility of the injuries being self-inflicted cannot be ruled out*'. Infact, the MLC points towards the manipulation of the facts, strongly indicating a false implication and creates a serious doubt about the occurrence of the incident itself.

28. The ***third aspect*** is that these facts need to be considered in the light of the *pre-existing enmity* between the parties. The parties have multiple civil and criminal litigations pending against each other. A Civil Suit No.60/2012 for Permanent Injunction was filed against the Respondent with regard to construction in House No.98 was *decreed in favour of the Petitioner No. 5/Mohd. Naeem*. The Contempt Petition filed against Respondent and her sons, is also pending. *Furthermore*, in light of all these disputes, a *kalandra* under Section 107/150 Cr.P.C was also registered against both the parties, which indicates an ongoing enmity between the parties.

29. ***Pertinently, in the Action Taken Report/Status Report*** filed by the I.O. in the Complaint, it was stated that "*during enquiry, the Complainant could not produce any evidence in respect of her allegations. It was also revealed that a property dispute between the Complainant and her neighbours is going on in Tis Hazari Court. It is clear that the Complainant has also leveled allegations in order to put pressure upon her neighbours.*"



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30. This background of continuing animosity and continuous adversarial conduct between the parties, strengthens the inference that the present proceedings are yet another attempt to escalate the disputes, rather than a *bona fide* invocation of the criminal process. These facts raise a legitimate doubt that the proceedings have been initiated with an oblique motive. When animosity forms the backdrop, the possibility of exaggeration or fabrication cannot be ruled out. Thus, allowing the criminal process to continue in such circumstances, despite the presence of clear *mala fides*, would amount to permitting misuse of the criminal law machinery.

31. ***Lastly***, it cannot be overlooked that the Complainant in support of her averments, had examined herself and her son. No independent witness has been examined under Section 202 CrPC, despite the availability of neighbours or other bystanders, which the Complainant herself acknowledged in her Complaint. While it is settled law that the truthfulness of the incident is to be considered on the basis of quality and not quantity of the evidence, but in the present case, the circumstances mandated some independent corroboration of the incident but unfortunately, there is none.

32. Herein, reference be made to the case of Mahmood Ali and Ors. vs. State of Uttar Pradesh and Ors., (2023) 15 SCC 488 wherein the Apex Court observed that when a party approaches this Court either for invoking inherent powers under Section 482 Cr.P.C., or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive or for wreaking vengeance, then in such circumstances **the Court owes a duty to**



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look into the FIR with care and a little more closely. It was further observed that once a Complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, **then he would ensure that the FIR/Complaint is very well drafted with all the necessary pleadings to disclose the necessary ingredients to constitute the alleged offence.**

33. The Apex Court thus, noted that it will not be just enough for the Court to look into the averments made in the FIR/Complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence, are disclosed or not. In frivolous and vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case, over and above the averments made in the Complaint and if need be, due care and circumspection must be exercised to try to read in between the lines.

34. Thus, to sum up, there is an unexplained delay of two days in reporting the matter which is coupled with an endeavour by the Respondent to conjure corroborative evidence by way of MLC, after four days. These facts are coupled with the absence of any independent witness along with the long-standing litigations between the parties, which point towards abuse of the criminal process.

35. As emphasised in Mahmood Ali, (supra), in cases tainted by *mala fides* or animosity, the Court must look beyond the mere reproduction of statutory ingredients in the Complaint and examine the attendant circumstances with greater circumspection.

36. The Complaint of the Respondent along with the attending



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circumstances, when examined in light of the above-settled principles governing the exercise of inherent jurisdiction under Section 482 Cr.P.C, makes it evident that the present case falls squarely within the category of proceedings that merit quashing to secure the ends of justice and to prevent abuse of the process of law.

Conclusion:-

37. In light of the above-mentioned discussion, the **Complaint Case No.284/1/15 is quashed** along with the proceedings emanating therefrom, including the summoning Order dated 24.05.2016.

38. The Petition is **allowed** and disposed of accordingly.

39. Pending Application(s), if any, also stand disposed of.

(NEENA BANSAL KRISHNA)
JUDGE

NOVEMBER 19, 2025/RS