



2025:DHC:9841



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Pronounced on: 11th November, 2025***
+ **W.P.(CRL) 1121/2017 & CRL.M.A. 29294/2018 (stay)**

SMT MINNI

W/o Sh. Sanjeev Kumar
R/o 3/61, Ground Floor,
Roop Nagar, Delhi-07

.....Petitioner

Through: Mr. Shubham Asri, Advocate.

versus

1. THE STATE

Govt. of NCT of Delhi

.....Respondent No.1

2. MR. VISHAL SINGH

S/o Sh. Kaptan Singh
R/o E-139, 3rd Floor,
Kamla Nagar, Delhi-110007

....Respondent No.2

3. MR. KAPTAN SINGH

S/o Late Sh. Kanhaiya Lal
R/o 3/61, 2nd Floor,
Roop Nagar, Delhi-110007

...Respondent No.3

Through: Mr. Amol Sinha, ASC (CRL) for the
State.

Mr. Rakesh Tikku, Senior Advocate
with Ms. Arpan Wadhwa and Mr.
Sandeep Kumar, Advocates for R-2 &
3.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.



1. Petition under Articles 226 and 227 of the Constitution of India, read with Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr.P.C.'), has been filed on behalf of the Petitioner, Smt. Minni, for setting aside the Order dated 06.03.2017 whereby the learned ASJ, New Delhi, in a Revision Petition bearing CRL. REV. No. 46/2016, titled 'Smt. Minni vs. Vishal Singh', upheld the Order of the learned ACMM dated 23.11.2016, which dismissed the Complaint under Section 200 of CrPC for taking cognizance of the offence under Section 341/354/499/506 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC').
2. Briefly stated, the Petitioner, Smt. Minni, had filed a Complaint under Section 200 CrPC for the offence under Section 341/354/499/506 of IPC. It was submitted that the Respondent/Accused, Vishal Singh along with his family, is residing on the second floor of the premises in which the Complainant is residing. He is the cousin brother of the Complainant's husband. On 29.05.2010 at about 06:30 p.m., she had gone to clean the dust, etc., from her storeroom situated on the third floor. As she was climbing upstairs, the Accused, along with his father, tried to stop her from going to the storeroom, but on request, she was permitted. She went there and cleaned the store, where she found some dead pigeons lying.
3. She collected the dead pigeons and was coming down, but as she reached the door, both the Respondent and his father started abusing and using filthy language against her. On hearing the noise, her elder sister-in-law (Jethani) came from the first floor, upon which both the Respondent and his father made threats against their lives. The Respondent then ran towards the Complainant to slap her. At that time, the Complainant and her sister-in-law were alone in the house. Thereafter, the Complainant threw the collected



pigeons in the drain. After some time, at about 07:45 p.m., her husband returned home, and she narrated the entire incident to him.

4. The Complainant further asserted that on the next day, i.e., 30.05.2010, she made a Complaint against the Respondent at 08:50 a.m. at Police Station Roop Nagar, which was registered vide DD No. 17B. On the basis of her Complaint, Police registered a Kalandra under Section 107/150 of CrPC against both the parties; i.e., Kaptan Singh, the father of the Respondent, as well as the Respondent, Vivek Singh, as the first party and Mr. Sanjeev Kumar, husband of the Complainant and Mr. Pawan Kumar, her elder brother-in-law, as the second party.

5. On the same day, i.e. 30.05.2010, at about 08:00 p.m., the Police called her husband to the Police Station, stating that the Respondent had made a PCR Complaint against him at 07:40 p.m. On getting the call, the husband along with his brother, Pawan Kumar, went to the Police Station. In the absence of the Complainant's husband, the Respondent came to her premises and told her that her husband has been sent to Jail. Thereafter, he started abusing her in filthy language and went to the extent of saying that her husband was not capable of giving birth to a child and that he would now "do the needful" for the Complainant to beget the child. the Respondent further threatened that either she and her family should leave the premises or else he would have them killed. He even went to the extent of threatening that he would shoot them. Thereafter, he left the premises.

6. On account of such derogatory remarks against the Complainant's husband and the utterance of such words outraging her modesty by the Respondent, the Complainant made a PCR call at No. 100 at 08:22 p.m. On getting the call, the PCR arrived and took the Complainant to the Police



Station Roop Nagar, where she narrated the aforesaid acts of the Respondent. On the asking of the Police, she gave her Complaint in writing, which was registered vide DD No. 46B dated 30.05.2010 at 09:00 p.m. However, no action was taken by the Police on her Complaint.

7. The Complainant has asserted that despite the aforesaid offence having been committed by the Respondent against her by passing derogatory remarks on the Complainant's chastity and despite a written Complaint, no action has been taken. The Complainant and her husband have been following up with the Police to know the action taken, but they have been evasive.

8. Information was sought through the RTI Act from the Office of the DCP, but till date, the Police have failed to respond about the action taken by them on the Complaint. No FIR or action has been taken despite a cognizable offence being disclosed in the Complaint.

9. *Hence, a prayer was made to take cognizance and summon the Respondent for the offence committed by him, in accordance with law and to award him stringent punishment.*

10. In support of her Complaint, the Petitioner examined herself as CW-1 and reiterated the assertions made in the Complaint.

11. ***Learned ACMM, vide his Order dated 30.04.2011***, considered the averments made in the Complaint in the light of evidence led by the Complainant and found no merit in the Complaint, and held that no cognizable offence was disclosed and dismissed the Complaint.

12. ***Criminal Revision Petition No. 46/2016*** was preferred before the Court of Sessions, which in the impugned Order dated 06.03.2017, did not



find any fault in the reasoning given by the learned ACMM and dismissed the Revision.

13. Aggrieved by the dismissal of the Complaint, the Petitioner has filed the present Petition to challenge the Impugned Order *on the grounds* that the error was apparent on the face of the Orders as the learned Revisionist Court admitted that there were some irregularities in the Order dated 02.09.2014, despite which the Case was not remanded back. Moreover, the enquiry under Section 202 CrPC was a sham in order to shield the Respondent. In fact, no enquiry was conducted on the point of whether the phone number by which a call was made on No. 100 by the Petitioner, was used at the place of the Complainant or not.

14. Furthermore, despite agreeing on the question of law, the learned ASJ failed to apply the same to the facts in question. The Order is beset with malice in law and is not based on facts. It smacks of an attempt to shield the Respondent at the altar of justice, while denying to address the legitimate grievance of a woman.

15. The learned ACMM as well as the learned ASJ, appreciated the facts in an improper manner, resulting in grave miscarriage of justice. It has not been appreciated that the intentional acts of the Respondent No. 2 on the evening of 30.05.2010, were intended to outrage her modesty. It has not been appreciated that the Petitioner has a right to live with dignity in her house, which was seriously infringed/breached by the Respondent, and she was subjected to obscene utterances, which shock the decency and reputation of a woman who is already suffering the social stigma of being childless.



16. It has not been appreciated that the incident of 29.05.2010 and those which happened on 30.05.2010 were separate incidents having no nexus with the dispute over the property amongst the Petitioner and the Respondents. It has not been appreciated that the Application under Section 340 CrPC was filed by Mr. Vivek Singh, younger brother of Respondent, Mr. Vishal Singh, which was intended to delay the process of law and was based on irrelevant assertions.

17. It has not been appreciated that the Respondent No. 3, Vivek Singh, was not even a party to the Complaint, and any Application under Section 340 CrPC filed by him, could not have been entertained. Furthermore, if at all it was to be considered, the Application should have been registered separately.

18. The impugned Order of the learned ACMM and learned ASJ, is conjectural in observing that *such obscene words could not have been spoken to a lady who is a close relative, even if the relations between them were highly strained*. Such conclusions are completely not merited. The Revisional Court ought to have appreciated that the allegations of obscene remarks, were not of a general nature. The real intention of the obscene words uttered by the Respondent No. 2 was not only to disparage the dignity and outrage the modesty of the Petitioner as he knew that she was long married and bearing the brunt of not having a child. It is submitted that the Impugned Order of learned ACMM, dismissing the Complaint, which has been upheld by the learned ASJ vide Impugned Order dated 06.03.2017, should be set aside.

19. The **Respondent, Vishal Singh, in his Counter-Affidavit**, has submitted that the Application under Section 156(3) CrPC filed by the



Petitioner was dismissed by the learned ACMM, which was assailed through Criminal Revision Petition No. CR. No. 56/2016, but was also dismissed by the learned ASJ vide Order dated 04.10.2016, which was never challenged further. It had thus, attained finality.

20. It is further submitted that the Respondent No. 1/State is neither a necessary nor a proper party, but the State has been dragged and made a party in the Writ Petition only to make her Petition under Article 226 maintainable under Article 12 of the Constitution of India.

21. It is further asserted that the Writ Petition is not maintainable under Article 226 of the Constitution of India as it has been preferred against the judicial Order of dismissal by the Revisional Court. Furthermore, the Writ Petition could not have been filed as Section 397(3) CrPC bars a Second Revision, and the present Petition, under the garb of a Writ Petition, is only a Second Revision Petition.

22. The law is clear that unless the Order of the Revisional Court is perverse, it cannot be set aside under Article 226/227 of the Constitution of India, for which reliance has been placed on General Manager, Electrical Rengali Hydro Electric Project, Orissa vs. Sri Giridhar Sahu and Surya Dev Rai vs. Ram Chander Rai & Others, (2003) 6 SCC 675.

23. It is submitted that there are concurrent findings by the two Courts below, and there is neither any patent illegality nor failure of justice. Evidently from the two Orders, sufficient opportunity was given for recording of Statements, and the parties were duly heard before passing the Order.

24. It is further submitted that the Petition is bad for misjoinder of Respondent No. 2. Admittedly, on 30.05.2010, the Respondent No. 3,



Kaptan Singh, was not present at the spot but has been deliberately dragged into the present litigation.

25. It is further submitted that the Petition suffers from gross misstatements, misrepresentation, and deliberate suppression of relevant facts and circumstances. Had the Petitioner stated true facts, perhaps even Notice would not have been issued in the present Case. The Respondent has denied each and every ground taken by the Petitioner in the Petition. It is further submitted that the list of dates and events gives only one side of the story. The history has been given only to mislead and misdirect the Court.

26. It is further submitted that there is a background of property dispute between the father of the Respondent No. 2, Kaptan Singh, and the Petitioner's family. The Complaint is a counter-blast to the said disputes. The Complaint is vexatious, frivolous, and oppressive and is liable to be dismissed outrightly. Furthermore, no opinion regarding the disputed question of facts on merits can be given by this Court in the exercise of Writ jurisdiction.

27. Reliance is placed on *State of Haryana vs. Bhajan Lal Anr.*, 1992, SC 604, wherein it was observed that the Courts should not take cognizance in a Criminal Case where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.

28. The Criminal Complaint filed against the Respondent No. 2 was with an ulterior motive for wreaking vengeance and vendetta only to settle the civil disputes between the families. It is settled law that the Court should be cautious and circumspect and exercise its discretion judiciously after taking into consideration all the relevant facts and circumstances, lest it be



instrumental in the hands of the private Complainant to harass the person needlessly. Reliance has been placed on *Satya Narain Mahapatra vs. State of Orissa & Anr.*, Cr LJ 742 (Orissa) and *C. Sagar Suri vs. State of U.P.*, (2000) 2 SCC 636 and *Anil Mahajan vs. Bhor Industries*, (2005) 10 Sec 228.

29. It is further submitted that even otherwise, the basic ingredients of the offence as alleged in the Complaint are missing, and no case even prima facie is disclosed against the Respondent No. 2.

30. The Complainant had alleged that she was alone at her house when the alleged incident took place, but admittedly, these assertions have been rejected by the Courts below by holding that the mobile phone used by the Petitioner, Smt. Minni, to call the PCR was that of the brother-in-law, Pawan Kumar, which proves that she was not alone at home as was claimed by her. The present Complaint had been lodged in a pre-planned manner pursuant to a conspiracy, and the entire averments are false.

31. Pertinently, the Petitioner had called the Police through PCR at 08:22 p.m. through Mobile No. 9968827520, registered in the name of Pawan Kumar, who, as per the Complainant herself, had accompanied the Police personnel to the Police Station. When the PCR personnel came, she had accompanied them to the Police Station where she had handed over a written Complaint to the Police at 09:00 p.m. and had given her Mobile No. as 9899705614. It has not been explained by the Petitioner that if she had her own Mobile number, why the PCR call was made from the Mobile number of Pawan Kumar. Except for the bald and false allegations of the Petitioner, there was no material evidence to show that the Respondent, Vishal Singh, was present at the spot. The PCR staff allegedly came to the spot, but no verification sheet has been filed or PCR record produced in the Court.



32. Furthermore, in the PCR call, it was mentioned that “*Devrani Jethani quarrel...*” and it does not even mention the allegations on which the offence is alleged to be committed by the Respondent No. 2. The PCR allegedly came on the call of the Petitioner, despite which there is no verification report. The allegations made in the Complaint are vague, and the basic ingredients for prima facie making an offence are missing in the Complaint Case.

33. *On merits*, it has been explained that the dispute revolves around the immovable property No. 3/61, Roop Nagar, Delhi, which is the ancestral property. Kaptan Singh/Respondent No. 3, the father of the Respondent No. 2, Vishal Singh, and father-in-law of the Petitioner, being real brothers, lived in the respective portions. The Petitioner, her husband, and her father-in-law wanted that the Respondent No. 2 and his family should vacate the premises and relinquish their rights in the same. However, when the Respondent No. 2 and his family did not concede to their demands, the present false Complaint has been registered. The Respondent No. 2 is now an Officer of Delhi Higher Judicial Services.

34. The dispute got aggravated when *FIR No. 48/2010 under Section 354 IPC, Police Station Roop Nagar, was registered by Ms. ‘N’ (tenant of the father of Respondent No. 2) against the husband of the Petitioner, i.e., Mr. Sanjay @ Sanjeev Kumar*, in which the father of the Respondent No. 2, Kaptan Singh, is one of the witnesses. The Petitioner, her husband and their family pressurised the father, Kaptan Singh. However, father of Respondent No. 2 refused to interfere to avoid unnecessary litigation, as the Respondent No. 2 is an Officer of Delhi Judicial Services. The Petitioner, her sister-in-law, Devender Kaur, threatened Mr. Kaptan Singh that either he intervenes



and persuades 'N' to withdraw her case or else they would falsely implicate the Respondent No. 2 in false criminal cases. The Petitioner and her sister-in-law also threatened that they would tear their own clothes and falsely implicate the Respondent, his father, etc., in the false case.

35. In order to achieve their ill intentions, on 29.05.2010, the Petitioner went to the roof of House No. 3/61, Roop Nagar, Delhi and while returning downstairs, she threw the dead pigeons in the house of the Respondent No. 2 and also misbehaved with Mr. Kaptan Singh, his father, who was present there at that time. A PCR call was made by Mr. Kaptan Singh, wherein the Petitioner admitted her wrongdoing and removed the dead pigeons from the second-floor portion of the house of the Respondent No. 2.

36. In the evening of 29.05.2010, the Petitioner, her husband, Sanjay @ Sanjeev Kumar, her sister-in-law, Ms. Devender Kaur, and her brother-in-law, Pawan Kumar, again came to the house of the Respondent No. 2 on the second floor and threatened Mr. Kaptan Singh that they would implicate the Respondent in the false criminal case and also threatened to kill the family of the Respondent. Because of these threats, Mr. Kaptan Singh made a detailed Complaint in Police Station Roop Nagar, which was registered vide DD No. 15-A dated 30.05.2010 at 12 p.m. (noon).

37. To counter the said Complaint, the Respondent made a Complaint on 30.05.2010 in the Police Station about the alleged incident of 29.05.2010 at 06:30 p.m., which was registered vide DD No. 17-B, and on the basis of which a Kalandra under Section 107/150 Cr.P.C. was registered.

38. The Police of PS Roop Nagar called the husband and brother-in-law of the Petitioner for investigation, and to pressurize the father of the Respondent, after 9 hours of registration of DD No. 15A. The Petitioner



again approached and visited the Police Station Roop Nagar to again lodge a false and frivolous Complaint against the Respondent No. 2 and his family members, which was registered vide DD No. 46-B, dated 30.05.2010 at 09:00 p.m., with Police Station Roop Nagar. The Petitioner stated in her Complaint that when her husband and her brother-in-law, Mr. Pawan Kumar, left their house to visit the Police Station, the Respondent No. 2 allegedly came to her house and used derogatory language, for which she made the PCR Call from the Mobile phone registered in the name of Mr. Pawan Kumar. The Police did not find any substance in the Complaint and did not register the FIR.

39. Thereafter, the present Complaint was registered but was dismissed by learned ACMM, District Central, Delhi, and learned ASJ-02, Delhi, respectively, as it was found that there is no merit in the Complaint.

40. The *learned ACMM, Delhi*, vide Order dated 30.04.2011, had directed the Complainant to first obtain the permission from the High Court of Delhi. Against this Order, Petitioner preferred *Criminal Revision Petition No. 57/2011*, which was dismissed by the learned Additional Sessions Judge-02 (District North), Tis Hazari, Delhi, vide Order dated 04.07.2011.

41. Against these two Orders, the Petitioner filed a Writ Petition (Crl.) No. 1467/2011 before this Court, wherein vide Order dated 11.05.2012, the Order dated 30.04.2011 was set aside by observing that since no FIR had been ordered to be registered against the Respondent No. 2, the Impugned Order directing the Petitioner to obtain prior sanction from the Hon'ble Chief Justice of this Court, cannot be sustained. It was further held that in case the learned Trial Court comes to the conclusion that an FIR is required



to be registered against the Judicial Officer, that Order may be kept in abeyance till the Hon'ble Chief Justice grants permission in this regard.

42. After the passing of this Judgment, arguments were heard on the Application under Section 156(3) Cr.PC, but it was dismissed vide Order dated 20.07.2012. Thereafter, Mr. Kaptan Singh, father of the Respondent, filed a Petition under Section 340 Cr.PC against the Petitioner in the Complaint Case. The learned ACMM directed on 20.07.2013 that the Application under Section 340 Cr.P.C. be clubbed with the Complaint Case.

43. CrI. M.C. No. 3365/2013 was preferred by the Petitioner against this Order, which was disposed of on 21.08.2013, directing the ACMM to ensure that the proceedings in the main Case do not get stalled because of the pendency of the Application under Section 340 Cr.P.C.

44. Thereafter, the Petitioner appeared as CW-1, and on her Application under Section 311 Cr.P.C., she was further re-examined to the limited extent of DD No. 46-B dated 30.05.2010. Thereafter, an enquiry was sought from the Police under Section 202 Cr.P.C. *Thereafter, vide Order dated 26.04.2016, the Complaint was dismissed.*

45. The *Revision Petition* preferred against this Order of learned ACMM, *also got dismissed.* It is submitted that after the concurrent findings of the two Courts, which are correct and just, no interference is warranted in the present Writ Petition. It is, therefore, prayed that the present Petition be dismissed.

46. *Written Submissions have been filed by the Petitioner, as well as the Respondent No. 2, wherein the averments made in their respective pleadings have been reiterated.*



47. The *Petitioner in the Written Submissions* had made a reference to the Judgment of Radhey Shyam vs. Chhabi Nath, (2015) 5 SCC 423, to clarify that Writs under Article 226 of the Constitution of India though do not lie against judicial orders, Article 227 can be invoked. Similar observations have been made by the Apex Court in Krishnan vs. Krishnaveni, (1997) 4 SCC 241. It is also observed that at times Section 482 Cr.P.C. may be invoked where there is gross miscarriage of justice, abuse of the process of Court, or glaring legal error.

48. It is argued that the present Petition is, therefore, maintainable, considering that cognizable offences have been disclosed in the Complaint when read along with the evidence led by the Complainant.

49. The facts of the Complaint are thereafter reiterated, and it is submitted that the impugned Order is liable to be set aside. The Respondent in the legal submissions has reiterated that the present Petition cannot be filed to challenge the judicial Orders and is beyond the scope of Article 226 of the Constitution of India.

50. *The Respondent in the Written Submissions* has stated that there is an ongoing tension and property dispute, and the present Complaint is nothing but a counter-blast. In the Case of Mohd. Ibrahim vs. State of Bihar, (2009) 8 SCC 751, the Court had observed that Criminal Courts must ensure that the proceedings before it are not used for settling scores or to pressurize parties to settle their civil disputes. It is further submitted that there were various discrepancies in the averments made in the Complaint and the testimonies of the parties, which have been rightly appreciated by both the Courts.



51. The seriousness of the Summoning Order has been highlighted by the Hon'ble Supreme Court of India in the Case of Ravindranath Bajpe vs. Mangalore Special Economic Zone Ltd. & Ors., 2021 SCC OnLine SC 806, and it has been highlighted that the Magistrate has to carefully scrutinize the evidence brought on record and may even put questions himself to the Complainant and the witnesses, to elicit answers to find out the truthfulness of the allegations or otherwise, and then examine if the offences are prima facie committed or not.

52. Similarly, reliance is placed on G. Sagar Suri and Anr. vs. State of U.P., decided by the Apex Court on 28.08.2000. Reliance is also placed on Bir Singh vs. Mukesh Kumar, Cr. Appeal No. 230-231/2019 of the learned Apex Court.

53. *It is thus, submitted that the present Petition is liable to be dismissed.*

Submissions heard and the record perused.

54. At the outset, before going into the merits of the case, it is pertinent to note that Respondent No. 3, Mr. Kaptan Singh (father of Respondent No. 2, Mr. Vishal Singh), has been added as a party to the present Petition, even though he was named neither in the Complaint under Section 200 Cr.P.C. nor in the Revision Petition filed against the dismissal of the Complaint. No new case can be made out in this Writ Petition, when he was not a party to the litigation from which the Order dated 06.03.2017 has emanated. ***The Petition against Respondent No. 3 is, therefore, liable to be dismissed at the outset.***

55. As per the averments made, the Complainant and the Respondent are related to each other, and there is a property dispute inter se the parties.



56. The Complaint under Section 200 Cr.P.C. was filed against the Respondent for the offences under Sections 341/354/499/506 of IPC.

57. *The first main allegation* was that on 29.05.2010, the Complainant had gone to the storeroom on the third floor. She claims she was initially stopped by the Respondent but then went to the storeroom and cleaned it, where she found some dead pigeons. As she was coming down, some feathers started flying because of the storm. Respondent, *Mr. Vishal Singh, and his father, Mr. Kaptan Singh, came to the roof and started abusing the Complainant in filthy language.* On hearing the noise, the Complainant's elder Jethani (sister-in-law) also came to her room on the first floor, where the Respondent and his father threatened them both with their lives, and the Respondent ran towards the Complainant to slap her. At that time, the Complainant and her sister-in-law were alone in the house. The Complainant then collected the dead pigeons and threw them near the drain. When her husband came back at about 07:45 PM, the Complainant narrated the entire incident to him.

58. The perusal of the incident as narrated only reveals the *use of some filthy words and threats.* However, neither the words used nor the threats extended have been explained. There is only an omnibus allegation which is not supported by explicit words, and from the mere use of these omnibus allegations, no offence can be made out.

59. *The second incident* is of the next day, 30.05.2010; when a Complaint was made against the Accused at 08:50 AM which was registered vide DD No. 17-B. On the basis of this Complaint, the Police had registered a Kalandra under Sections 107/150 Cr.P.C. against both parties. It is evident



that no cognizable offence was disclosed, but the Police took the action as was merited on the Complaint.

60. *Third incident* is again of 30.05.2010 at about 08:00 PM, the Police of Police Station Roop Nagar called the husband of the Complainant, stating that the Respondent had filed a Complaint against him at 07:40 PM. On getting the call, the husband, along with his elder brother, Mr. Pawan Kumar, went to the Police Station to enquire about the matter. While the husband and his brother had gone to the Police Station, the Respondent came to the Complainant's house and told her that her husband had been sent to Jail. Thereafter, he started abusing the Complainant in filthy language to the extent of saying *that the Complainant's husband is not capable of giving birth to a child and that he (the Respondent) will now do the needful for the Complainant to give birth to a child.*

61. After passing such derogatory remarks and uttering words which outraged the modesty of the Complainant, the Respondent threatened the Complainant and told them to leave the premises or that he would kill them. He even went to the extent of threatening that he would shoot the Complainant and her husband. After extending such threats and making sarcastic and nasty remarks, the Respondent left.

62. Thereafter, the Complainant made a call at Number 100 at 08:22 PM. On getting the call, the PCR arrived and took the Complainant to the Police Station, where she narrated the entire incident and on the asking of the Police, gave a Complaint in writing, which was registered as DD No. 46-B dated 30.05.2010 at 09:00 PM.

63. *The first aspect* which gets highlighted is that, as per the Complainant, her husband and his elder brother had left for the Police



Station when the Respondent came and abused her and used inappropriate words. She then called the PCR at 08:22 PM from a mobile phone which has been identified to be that of Mr. Pawan Kumar, the elder brother of the Complainant's husband. As per her own averments, the husband and Mr. Pawan Kumar had left for the Police Station. There is not an iota of evidence to suggest that, in the interim, the husband and the brother-in-law had returned or that this incident happened in their presence. If the husband and his brother were at the Police Station, then how could she make a call from the mobile phone of the brother-in-law? There is no explanation why, despite being in possession of her own mobile, she did not use the same.

64. There is an inherent contradiction in her Statement, as has been noticed by the learned Metropolitan Magistrate as well as by the learned ASJ. There is no explanation forthcoming in this regard in her testimony. This very fact creates a doubt as to whether, in fact, the Respondent had come to her house at the time when her husband and elder brother-in-law were not present. Pertinently, the husband and Mr. Pawan Kumar have not been examined by the Complainant in support of her assertions.

65. Furthermore, as has been noticed above, the allegations of *threats and filthy language* are again omnibus with nothing specific forthcoming.

66. It may also be observed that while she has claimed that the Respondent had given threats and used filthy language, in order to constitute an offence under Section 506 IPC, the law mandates that the same must be made with the intention to cause alarm to the person threatened. It is pertinent to refer to the Judgment of Manik Taneja vs. State of Karnataka, (2015) 7 SCC 423, the Apex Court had observed that simply using abusive or threatening language without any intent to cause alarm, does not come



within the scope of Section 503 IPC. For a threat to qualify under this Section, it must be made with the intention to cause alarm to the person threatened or to coerce them into doing something they are not legally obligated to do, or to refrain from doing something they are legally permitted to do. There is nothing to show that the Complainant got alarmed or threatened by the alleged threats extended by the Respondent. Furthermore, the Apex Court in Naresh Aneja vs. State of U.P., (2025) 2 SCC 604 referred to Sharif Ahmed vs. State of U.P., (2024) 14 SCC 122 wherein it was held that an offence of criminal intimidation arises when the accused intends to cause alarm to the victim, though it does not matter whether the victim is alarmed or not.

67. The vague allegation of threats, do not disclose that they were intended to alarm the Complainant or that she indeed got alarmed. The basic ingredients of S.506 IPC are not made out and the respondent has rightly, not been summoned for this offence.

68. The second allegation made by the Complainant was the comment about her not being able to bear children and that the Respondent would do the needful. This definitely and without question is a remark which tantamount to outraging the modesty of a woman. However, it is pertinent to note that when the entire incident claimed by the Complainant itself is doubtful, the allegations of the Respondent having made such a statement, also comes under a cloud.

69. In the case of Mahmood Ali v. State of Uttar Pradesh, (2023) 15 SCC 488 it was observed that when a party approaches this Court either for invoking inherent powers under Section 482 of the Code of Criminal Procedure 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 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. The Complainant would ensure that the averments made in the FIR/Complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, 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.

70. Therefore, considering the ongoing property dispute between the Complainant and the Respondent and also that they were residing in the same premises on different floors and there had been persistent calls being made to the PCR by the Complainant as well as the Respondent, the possibility of this Statement having been conjured by the Complainant, cannot be overlooked or ignored.

71. The Ld. ASJ thus, rightly found no ground to interfere in the Order of Dismissal of Complaint by the Ld. ACMM.



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Conclusion:

72. The two incidents, one of the 29th and the other of 30.05.2010 as described by the Complainant, do not make out an offence under Section 341 IPC. The allegations under Section 354 IPC are an afterthought and conjured, and the allegations of modesty are not tenable in light of the happening of the incident itself having been rendered improbable.

73. The present Petition has no merits and is hereby, dismissed and disposed of accordingly.

74. Pending Applications, if any, also stand disposed of.

**(NEENA BANSAL KRISHNA)
JUDGE**

NOVEMBER 11, 2025/RS