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

+ **W.P.(CRL) 1854/2026**

GUDDI DEVI

.....Petitioner

Through: Ms. Yashi Jain and Mr. Aashish kr
Sagar, Advocates.

versus

STATE (NCT OF DELHI) AND ORS

.....Respondents

Through: Mr. Anand V. Khatri, ASC for R-1/
State.
SI Ramesh, PS Mundka

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **02.07.2026**

CRL.M.A. 18568/2026 (EXEMPTION)

1. Exemptions allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The petition is for the following reliefs:

*“a) Issue a Writ of Certiorari or any other appropriate writ, order or direction, setting aside and quashing the order dated 25.02.2026 passed by the Ld. Additional Sessions Judge-08 (West), Tis Hazari Courts, Delhi in Criminal Revision No. 371/2024 (CNR No. DLWT010065552024);
b) Set aside and quash the order dated 01.06.2024 passed by the Ld. MM-06, West, Tis Hazari Courts, Delhi in Complaint Case No. 477/2021, to the extent it refused to summon Respondent No. 2 – Subhash – and refused to take cognizance for offences under Sections 354/509 IPC;
c) Direct the Ld. Trial Court to summon Respondent No. 2 – Subhash for offences punishable under Sections 504/506/509/34 IPC or any other*



*applicable provisions, in accordance with the evidence on record;
d) Direct the Ld. Trial Court to take cognizance and summon all the accused persons except Subhash for offences punishable under Sections 341/354/448/509 IPC, in addition to those already summoned, in accordance with the evidence on record;”*

4. The petitioner essentially seeks to set aside the order dated 25.02.2026 passed by the Additional Session Judge (hereinafter ‘**the Revision Court**’) in Criminal Revision No. 371/2024 (hereinafter ‘**the Revision Petition**’), whereby, the order dated 01.06.2024 passed by the Metropolitan Magistrate in Criminal Case No. 477/2021 has been upheld. Vide the order dated 01.06.2024 passed by the Metropolitan Magistrate, the summons were issued to Yashoda, Vinod, Sonu and Pooja.

5. The petitioner herein was the complainant in Criminal Case No. 477/2021. The summons were issued for offence punishable under Section 323/506 read with Section 34 of the Indian Penal Code, 1860 (IPC). The petitioner herein raised the grievance of non-issuance of summons against Subhash i.e. respondent no.2 herein, for the above offences and also for non-issuance of summons against the remaining respondents for offences punishable under Section 341/504/509 of the IPC.

6. Against the order dated 01.06.2024, the Revision Petition has been dismissed by the impugned order dated 25.02.2026. It has been noted by the Revisional Court that the CCTV footage conclusively proves that respondent no.2 – Subhash was taken away by the police before the physical assault commenced. The video evidence showed on the assault lacks any specific act or gesture that insults a woman’s modesty. It has been found that the petitioner’s written claim of being stabbed with knife is entirely incorrect and contrary to CCTV footage, and there is no medical evidence to



corroborate the said allegation. Finding recorded by the Revisional Court in its order dated 25.02.2026 in paragraph 6 are extracted as under:

“6. The CCTV footage produced by the petitioner was viewed. This CCTV footage .purportedly records the incident.

6. 1 At 45th second in this video, Subhash is seen to be taken by a policeman on his motorcycle.

6.2 The allegation against Subhash is that he abused and threatened the petitioner herein and this conduct of Subhash was the genesis of the incident.

6.2.1 During pre-summoning evidence, the policeman, who had taken Subhash with him, was not summoned and examined. Upon inquiry, it is discovered that the police was called by the petitioner herein — Guddi Devi. The PCR record was also not summoned and exhibited before the Ld. Trial Court.

6.3 Hence, it is found that the material which could have been produced and which would have portrayed the crime scene completely before the Ld. Trial Court and which would have led the Ld. Trial Court to ascertain all the acts of alleged offenders, which are imputed to be offensive, were not produced.

6.4 The finding of the Ld. Trial Court regarding absence of Subhash when the incident took place, is found to be correct. This because, in the CCTV footage Subhash is to be seen to be taken by a policeman as a pillion on his motorcycle. Thus, the finding of the Ld. Trial Court regarding Subhash as contained in para 12 of the impugned -order -does not deserve to be interfered with.”

7. Having considered the facts and circumstances and overall evidence available on record, the Court is not inclined to exercise its power under Article 226 of the Constitution of India for issuance of summons against Subhash and for addition of the offences against already summoned accused. The petition fails and, accordingly, stands dismissed.

PURUSHAINDRA KUMAR KAURAV, J

JULY 2, 2026

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