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

\# **CNR No. DLHC012184382014**

\+ **CRL.M.C. 5384/2014 & CRL.M.A. 18357/2014**

SMT LATA SHARMA .....Petitioner

Through: Mr. Anshul Sharma along with Mr. Abhishek, Advs.

versus

SOM DUTT & ORS .....Respondents

Through: Mr. Ashwini Kumar Gupta, Adv.

CORAM:
HON'BLE MS. JUSTICE MADHU JAIN

O R D E R

% 01.10.2026

1. This hearing has been conducted through hybrid mode.

2. The present petition under Section 482 of the Code of Criminal Procedure, 1973 [hereinafter referred to as CrPC'] seeks setting aside of the order dated 05.02.2014 passed by the learned Additional Sessions Judge, FTC (West), Tis Hazari Courts, Delhi, in ***Criminal Revision No. 65/2012***, whereby the petitioner's challenge to the summoning order dated 25.06.2012 passed in ***Complaint Case No. 9180/1*** was rejected. *Vide* the latter order, respondent no. 3, Ashwani Sharma, alone was summoned for the offences punishable under Sections 323 and 506 of the Indian Penal Code, 1860 [hereinafter referred to as 'IPC'], while the remaining proposed accused were not summoned.

3. The petitioner instituted a complaint under Section 200 CrPC against six persons, alleging commission of offences under Sections 406, 503, 506, 509 and 376 IPC. The complaint arose out of a family dispute following the

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death of the petitioner's husband on 22.08.1987 and contained allegations that the petitioner was harassed and threatened to vacate the premises in which she was residing. In support of the complaint, the petitioner examined herself and her two sons at the pre-summoning stage.

4. *Vide* order dated 25.06.2012, the learned Metropolitan Magistrate found sufficient grounds to summon only respondent no. 3, Ashwani Sharma, for the offences under Sections 323 and 506 IPC. The proceedings against accused no. 1 were dropped as having abated, and the remaining proposed accused were not summoned for want of specific material against them.

5. Aggrieved by the non-summoning of the other proposed accused, the petitioner preferred ***Criminal Revision No. 65/2012***. The revision petition was dismissed by the learned Additional Sessions Judge *vide* order dated 05.02.2014, upon finding no infirmity in the summoning order. The petitioner thereafter instituted the present petition.

6. During the pendency of the present proceedings, respondent no. 6 was deleted from the array of parties *vide* order dated 13.12.2022. The interim stay of the Trial Court proceedings, granted on 15.03.2017, was subsequently vacated on 08.08.2023, with a direction to the Trial Court to proceed with the matter.

7. *Vide* order dated 13.04.2026, the petitioner was called upon to address the maintainability of the present petition, since it appeared to be in the nature of a second revision. Thereafter, on 24.09.2026, learned counsel for the respondent submitted that the respondent who had been summoned stood discharged by the Trial Court and that the petitioner had already preferred a revision petition against the order on charge, which was pending adjudication.

8. Learned counsel for the petitioner, while referring to the complaint,

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submits that a specific role had been attributed to respondent no. 5, Harish. It is alleged that respondent no. 5 and respondent no. 6, Munna, came to the petitioner's residence in a tempo driven by respondent no. 6, whereafter they abused her and threatened to kill her and her two minor children. It is contended that these allegations, duly supported by the pre-summoning depositions, disclose sufficient grounds for summoning respondent no. 5.

9. It is further submitted that respondent no. 6 has already been deleted from the array of parties and that the surviving grievance is confined only to respondent no. 5. Learned counsel contends that the specific material against respondent no. 5 has not been duly considered by the Courts below and that the family or property-related background of the dispute does not, by itself, negate the criminal acts alleged against him.

10. *Per contra*, learned counsel for the respondents submits that the material placed before the learned Trial Court did not disclose sufficient grounds for summoning respondent no. 5. Reliance in this regard is placed upon the report of the Investigating Officer [IO], who, after visiting the place of the alleged occurrence, had reported that no such incident had taken place. It is further contended that the petitioner's sons, who were aged about twelve and seven years at the relevant time, had merely reiterated her version and that their depositions did not furnish any independent corroboration. Learned counsel for the respondent states that the concerned dispute is essentially civil in nature as it arises out of competing claims over the family property.

11. Learned counsel further submits that respondent no. 3, Ashwani Sharma, had since been discharged by the learned Trial Court and that the petitioner's challenge to the order of discharge was already pending before the learned Sessions Court. It is, therefore, urged that the present petition has

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been rendered infructuous and is, in any event, not maintainable as it amounts, in substance, to a second revision. Emphasis is also placed on the pendency of the petition since 2014 and the fact that respondent no. 5 had not been summoned during this period.

12. Having heard the learned counsels for the respective parties and perused the record, this Court finds that the petitioner seeks reconsideration of the summoning order which has already been examined and affirmed in revision. Though the inherent jurisdiction under Section 482 CrPC is not altogether excluded, it cannot be invoked as a substitute for a second revision, save where interference is necessary to correct a patent illegality or prevent a miscarriage of justice and no such circumstance is made out in the present case.

13. The learned Metropolitan Magistrate considered the complaint, including the allegation concerning respondent no. 5, as well as the pre-summoning evidence, and found sufficient grounds to proceed only against respondent no. 3. The learned Additional Sessions Judge thereafter examined the record and found no infirmity in the said conclusion. In these circumstances, the concurrent view taken by the Courts below cannot be termed perverse or manifestly illegal so as to warrant interference under Section 482 CrPC.

14. Therefore, the present petition is dismissed and thereby, disposed of.

15. The pending application also stands disposed of.

16. A copy of this order be sent to the concerned learned Trial Court for necessary information and compliance.

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17. The order be uploaded on the website *forthwith*.

MADHU JAIN, J

OCTOBER 1, 2026/prg/PG

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