



* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Reserved on: 03rd November, 2025

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CRL.A.1546/2025

Appellant

.....Appellant

Through: Mr. C. S. Rathour, Ms. Neetu Gaur and Mr. Sanjeev Kumar, Advocates.

versus

1. THE STATE GOVT OF NCT OF DELHI

Through its Chief Secretary, Service through its Standing Counsel (Crl.), Delhi High Court, New Delhi.

2. SH. BHUPENDAR SINGH (ADV.)

Chamber No.930, PATIALA HOUSE COURT, New Delhi.Respondents

Through: Ms. Manjeet Arya, APP for the State with SI Pooja.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Appeal under Section 378(1) of the Code of Criminal Procedure, 1973 (*hereinafter referred to as 'Cr.PC'*), has been filed on behalf of the **Appellant/ Ms. Saroj Bala** against the **Order of Acquittal dated 30.04.2012** of learned ASJ-02, New Delhi whereby **Respondent No.2 / Bhupinder Singh** has been acquitted in Case FIR No.0537/2003 under Section 509 of the Indian Penal Code, 1860 (*hereinafter referred to as 'IPC'*) registered at Police Station: Tilak Marg.

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2. **Brief facts** are that on 19.11.2003, Complainant / Appellant Saroj Bala, Advocate in Patiala House Courts gave a Complaint stating that she was putting a nail in the wall for hanging the curtains on the door, when Respondent No.2 Bhupinder Singh, Advocate came inside her chamber and asked her why was she making such noise and doing *thak-thak* and if she did not stop it, he would slap her and abused her by saying 'h***' and also threatened that he would not let her sit in peace in her chamber.

3. It was further stated that he along with her Advocate friends Sanjiv, Mr. S.B. Dandapani and one typist Surya Prakash Mishra had even made false Complaints of threat against her in NDBA, solely to defame her. He did not let her do her office work in peace, in her chamber. They fought with her on one pretext or other.

4. On her Complaint dated 19.11.2003, FIR was registered. The investigations were undertaken and thereafter, Chargesheet was filed in the Court.

5. Notice under *Section 251 Cr.P.C.* for the offence under Section 509 IPC was framed against Respondent No. 2, on 03.11.2009, to which he pleaded not guilty and claimed trial.

6. The Prosecution in support of its case, examined four witnesses in all.

7. **PW-2 Saroj Bala**, the Complainant, deposed about the incident as narrated in her Complaint.

8. **PW-1 HC Onkar Mal** registered the FIR as Ex. PW-1/A.

9. **PW-3 SI Arun Chauhan** was the initial Investigating Officer. He handed over further investigations to **PW-4 SI Raj Kumar**, who completed the investigations and filed the Chargesheet in the Court.



10. Statement of the Respondent No.2/accused was recorded under Section 313 Cr.P.C., wherein he denied the incriminating evidence.

11. The Respondent No.2 in his defence, examined DW-1 **Shri A.V. Gopi, Advocate** who deposed that on 19.11.2003, he had come to Court in the afternoon when certain Police Officials visited the area and, in particular, came to his chamber and enquired whether any incident had taken place. He stated that no such incident had occurred relating to any dispute between the accused Mr. Bhupinder Singh and the complainant Ms. Saroj Bala. He further deposed that the IO recorded his statement in his chamber in the presence of Mr. Baweja and one other person, and that he had signed the said statement. He stated that thereafter, on one or two occasions, the IO again visited him and made enquiries. DW-1 further stated that he and Respondent no. 2 had started legal practice together in the year 1996. He also deposed that the Respondent no. 2 had always behaved well with all persons, had cordial relations with his neighbours, and that his character and antecedents were very good.

12. Learned MM vide Order dated 05.07.2010, Acquitted Respondent No. 2 Bhupinder Singh by observing that it emerged from the testimony of the Complainant as well as of **Sh. A.V. Gopi**, who had appeared as DW-1, that there were ongoing disputes between these two, in regard to the Chamber and also the alleged construction which was being undertaken by the Complainant, from time to time in the chamber. It has also emerged that there was constant recurrence of multiple Complaints about throwing of garbage and such other incidents.

13. It was observed that the Complaint **Ex. PW-2/A** in question, pertained to only one single incident of 19.11.2003 wherein the only allegation made



against Respondent No. 2 was of using an *abusive word* against her. Though, merely because of the noise being created in the chamber of the Complainant on account of putting a nail in the wall, did not give any right to Respondent No. 2 to use abusive language, but in the light of facts and circumstances of the case wherein there was animosity between them, it was held that it cannot be said that there was any intention to outrage the modesty of the Complainant. **Therefore, benefit of doubt was given to Respondent No. 2 and he was Acquitted.**

14. Criminal Appeal No.53/2012 was filed by the Appellant before the Learned ASJ, Patiala House Courts, who, *vide Judgment dated 30.04.2012*, concurred with the findings of the Learned MM and noted that there were disputes *inter se* parties, on account of construction in chamber and spreading of filth in the vicinity of the chamber, for which many Complaints had been filed, before and after the alleged incident. The Complainant/PW-2, in her Testimony, not only deposed about the alleged incident of 19.11.2003, but also deposed at length about various previous and subsequent Complaints and also about their ongoing disputes. It was held that she had tried to cover up the entire dispute with Respondent No. 2 and that Learned MM had rightly held that all the incidents before and after 19.11.2003, were beyond the consideration. It was also held that DW-1, examined on behalf of Respondent No. 2, had denied the happening of any incident. It was concluded that Prosecution has failed to prove its case and thereby, **the Acquittal of Respondent No. 2 was upheld.**

15. The Complainant, aggrieved by the Acquittal of Respondent No. 2 by Learned MM and its affirmation by Learned ASJ, has filed the present Appeal. **The grounds of challenge** are that no proper FIR and investigations



were conducted by the Investigating Officer, despite the request of the Appellant and botched up investigations have resulted in Acquittal of Respondent No. 2.

16. Learned MM had failed to consider her Examination-in-Chief, recorded in 47 pages, and has wrongly observed that specific allegations were only against Bhupinder Singh / Respondent No.2 and not against others and that no offence was made out against the other Accused persons or that there were general allegations on the record, which may be the history of the incident in question. The specific allegations made by the Complainant in her Testimony, have been completely ignored and overlooked. *From the record of the Learned Trial Court, various other offences under Sections 505/503/425/499/34 of IPC aside from Section 509 of IPC were made out, in respect of Section 319 of Cr.P.C. should have been invoked to summon other Accused persons.* Learned Trial Court overlooked that the Trial Court has power to proceed against other persons, whose guilt emerges during enquiry or the Trial and such persons can be tried together with the accused.

17. Reliance has been placed on 1983(1) RCR (criminal) 73 (SC) relied on *Kailash vs. State of Rajasthan*, 2008 AIR 1564 (SC), which explains the powers of the Magistrate under Section 319 Cr.P.C.

18. Learned Trial Court observed that FIR was registered on 19.11.2003 under Section 509 IPC and it related to only that particular offence, but has failed to peruse the entire evidence of the Complainant. It was asserted that it was overlooked that the FIR need not disclose all facts in detail, relating to a reported offence for which reliance is placed on *Superintendent of Police, CBI vs. Tapan Kumar Singh*, AIR 2003 SC 4140 and *Om Prakash vs. State*



of Uttarakhand, 2003 CRI. LJ 383 SC. It is well-settled principles of law that an FIR is not an encyclopaedia, which must disclose all facts and details relating to the incident.

19. Court has unfettered power to summon any person as an Accused for which reference is made to *Raj Kumar vs. State of U.P.*, CRJ 2004 (1) (ALL) 723; *HKL Bhagat vs. State*, 1996 CRI. LJ 1889 Delhi and *Bhagwat Bhandari vs. State of Jharkhand*, 2005 CRI. LJ 4796 Jharkhand.

20. Therefore, the Learned MM was wrong in ignoring and overlooking the involvement of other Accused persons in the commissions of offence who stood on the same pedestal as Respondent No. 2. *They have been wrongly not arrayed as Co-Accused in the present case.*

21. It has also not been considered that Lawyers Executive Body of New Delhi Bar Association (“NBDA”) is fully empowered to do the needful and take action against any Lawyer, if he / she misuses its powers on the Appellant. *FIR No.0004/2004 under Section 3 of Prevention of Damage to Public Property Act, 1984 and Sections 147/149 of IPC* was registered against one of the office bearers of the *Lawyers Executive Body* on the Complaint of Caretaker of Patiala House Courts.

22. A Prayer is therefore, made that the Impugned Order of Acquittal dated 30.04.2012 of Learned ASJ as well as the Learned MM dated 05.07.2010 be set aside.

23. **Respondent No.2 in his Reply**, has explained that he has been in the Legal profession since 1994 and in the year 1997, Seat No. 928 in the open space, was allotted to him, on which he constructed his chamber, in the year 1997-1998. The Appellant/ Complainant herein had purchased the open seat in the year 2003 and made illegal construction during vacation without the



permission of the Bar Association, by using existing side wall of Respondent No. 2 and the back wall of Mr. S. B. Dandapani, Advocate, in such a manner that it caused damage to the roof of both the Advocates. Soon after completion of the construction of the Chamber, rainwater seeped into the Chambers of the Respondent No. 2 and that of Mr. S. B. Dandapani, Advocate, who is a Senior Counsel, aged about 65 years.

24. Due to water seepage caused due to illegal construction of the Chamber by the Applicant / Complainant, Respondent No. 2 and other Advocates namely Mr. S. B. Dandapani, Mr. Sanjeev Kumar and Mr. Satish Solanki made a Complaint with the Secretary, New Delhi Bar Association on 02.07.2003. For this reason, Appellant/Complainant harboured animosity with Respondent No. 2 and registered a false Complaint on 19.11.2003, resulting into registration of FIR No.0537/2003.

25. Respondent No. 2 asserted that the Complainant / Appellant is in a habit of making false, frivolous, blatant and unfounded allegations against all and sundry, which is apparent from her own statement given before the Ld. MM and even reproduced in the Judgment of Acquittal dated 05.07.2010, of Ld. MM.

26. Though the Complaint was completely devoid of any merits and had been filed only to harass Respondent No.2, but because it was filed by a lady Advocate, the Police filed a Chargesheet on 27.08.2004, against Respondent No. 2 and other Advocates namely Mr. S. B. Dandapani, Mr. Sanjeev Kumar and Mr. Satish Solanki. She not only has made unfounded allegations against numerous Senior Members of the Bar Association, but also moved an Application under Section 319 of Cr.P.C., for Summoning all the named persons as Accused, along with the Applications under Section



311 CrPC and S. 91 CrPC, though, all these Applications were dismissed by the Learned MM *vide* Order dated 16.03.2010.

27. A Revision Petition filed against aforesaid Order dated 16.03.2010, also got dismissed *vide* Order dated 05.06.2010. She then filed ***CRL.M.C. 2076/2010 and CRL.M.A. Nos. 8068-69/2010 under Section 482 of Cr.P.C.***, before this Court, which also got dismissed *vide* Order dated 21.06.2010 wherein this Court held that the power under Section 482 Cr.P.C. cannot be exercised by way of a Second Revision, and what cannot be done directly cannot be permitted to be done indirectly. It was accordingly held that the petition under Section 482 Cr.P.C. was not maintainable.

28. It is asserted that the Appellant has not shied away from a single opportunity of speaking about the Hon'ble Judges in a very unpleasant manner. In her Complaint dated 01.07.2010 before the Learned Judge in-charge, Patiala House Courts, she made unfounded allegations against the Ld. MM, but this Complaint also got dismissed.

29. After conclusion of the lengthy trial of more than 17 years and Examination-in-Chief of Appellant in 47 pages, Respondent No.2 has been rightly Acquitted by the Court of Ld. MM.

30. Respondent No. 2 has further asserted that the Complainant has no independent right to file this Appeal. Moreover, it is barred by Limitation under Section 378 of Cr.P.C., which gives a limitation period of 60 days from the date of Acquittal. All the remedies available to the Appellant have already been exercised by her. There is no case in her favour, but she is wasting the time of the Courts by filing frivolous and false litigations, one



after the other. It is submitted that there is no merit in the present Appeal and the same is liable to be dismissed.

Submissions heard and record perused.

31. FIR No.0537/2003 under Section 509 of IPC was registered against Respondent No.2 / Bhupinder Singh, in respect of incident of 19.11.2003, wherein Appellant had stated that while she was trying to put a nail in the wall of her chamber, it made some noise, which irritated Respondent No.2, who came to her chamber and told her to immediately stop making noise and also used an abusive word against her.

32. Though, the Appellant claims that this was not the isolated incident, but there had been multiple Complaints before and after this incident, which had been duly proved by her, in her testimony as PW-2, but they all have been overlooked.

33. However, it is pertinent to observe that the FIR in question was only in respect of Complaint dated 19.11.2003 and investigations were also carried out only in respect of this Complaint and Chargesheet was accordingly filed. So much so, the Notice under Section 251 of Cr.P.C. is also confined to this one incident of 19.11.2003. There was no formal charge framed in respect of any other Complaint, as they were not the subject matter of the Charge-Sheet.

34. Pertinently, the Appellant had moved various Applications under Section 319 of Cr.P.C. for Summoning of other Accused persons and also for adding other Sections, but the same were being consistently rejected by the Learned ASJ and Petition filed before this Court, also got dismissed. It is correct that the FIR, which is the First Report about commission of cognizable offence, is not an encyclopaedia of the entire case, and further



accused/ incidents can be added, if so revealed during the investigations, but in the present case the Charge-Sheet was confined to the incident of 19.11.2003, which essentially was about using of one abusive word against the Appellant. The grievance of the Appellant, that other incidents and other offences under different Sections and other Accused, did not find favour with the superior Courts. Once her Applications for Amendment of Charges to include other incidents and to summon other Accused, got dismissed and attained finality, no grievance in this regard, can be re-agitated in this Appeal.

35. The charge in the present case, was under Section 509 of IPC. It deals with use of words, gestures or acts intended to insult the modesty of a woman. It provides that if, with an intent to insult the modesty of any woman, any word is uttered which intrudes upon the privacy of such woman, it would be an offence under Section 509 of IPC with simple imprisonment for a term which may extend to three years or with fine or with both.

36. It is evident from bare perusal of Section 509 of IPC that what is most significant is not only the use of words, but it must be accompanied with an **intent to insult** the modesty of a woman.

37. It was rightly observed by the Learned MM and endorsed by the Ld. ASJ, that there were regular disputes *inter se* parties on account of construction in the Chamber by the Appellant. Multiple complaints had been made by her, not only against Respondent No.2 but various other Bar members. In the context of ongoing skirmishes *inter se* the parties and the circumstances, wherein Respondent No. 2 had gone to her chamber only to protest against the noise coming from drilling of nail in the wall. Even if it is



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accepted that Respondent No.2 used an abusive word, it cannot be inferred to have been intended to outrage the modesty of the Appellant.

38. Therefore, *the Learned M.M. has rightly held and upheld by ld. ASJ, that the offence under Section 509 IPC was not proved against Respondent No. 2.*

39. There is no merit in present Appeal, which is hereby dismissed along with pending Applications.

**(NEENA BANSAL KRISHNA)
JUDGE**

FEBRUARY 04, 2026/R