



2025:DHC:2529



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

% *Date of decision: 9th April, 2025*

+ **CRL.L.P. 623/2017**

STATE

.....Petitioner

Through: Mr. Utkarsh, Additional Public
Prosecutor for Respondent-State

Versus

1. **DARSHAN SINGH**
S/o Sh. Nirmal Singh
R/o A-53, 12½ Yards,
Nar Singh Garden,
Khayala, Delhi.

2. **HARJEET SINGH @ MINTA**
S/o Sh. Nirmal Singh
R/o A-53, 12½ Yards,
Nar Singh Garden,
Khayala, Delhi.

3. **YOGESH KHANNA @ SUNNY**
S/o Sh. Jagmohan
R/o RZ-211,
Vishnu Garden,
Khayala, Delhi.

4. **SONU**
S/o Jagmohan
RZ-211,
Vishnu Garden,
Khyala, Delhi.

.....Respondents

Through: Mr. Manjit Singh Chauhan,
Mr. Rajesh Tomar & Mr. Rahul Rai,
Advocates



CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

CRL.L.P. 623/2017

1. The present Leave to Appeal under Section 378(3) Cr.P.C. has been filed on behalf of the State challenging the Order of Acquittal dated 27.05.2017 passed by learned ASJ, West, in case FIR No.148/2007 registered at Police Station Tilak Nagar for the offences under Section 364/341/324/506/34 IPC.

2. Learned APP for State has submitted that the testimony of the Complainant and the corroborative witnesses namely PW7/Sh. Avtar Singh, PW8/Sh. Talvinder Singh and PW2/Sh. Mangal Singh is essentially consistent and there is no material contradiction and, therefore, Leave is sought to contest the judgment of the acquittal.

3. In view of the reasons stated, the Leave to Appeal is allowed.

4. The Leave Petition stands disposed of accordingly.

Crl. A. No. (To be numbered by the Registry)

5. An Appeal under Section 378(1)(b) Cr.P.C. has been filed by the State against the Judgment dated 17.05.2017 vide which the Respondents have been acquitted for the Charges under Section 364/341/324/506/34 IPC.

6. The *facts in brief* are that on 08.03.2007 injured Baljeet Singh gave a statement that he runs a factory of lathe machine at his house. He had an affair with Deepa D/o of Jagmohan Khanna R/o Vishnu garden, Khyala, but her parents were reluctant and they filed a case of rape against him in Police Station Tilak Nagar, in which he got released on Bail a few days back. On 07.03.2007, while he was taking dinner at about 10:30 P.M, Deepa's brother



Sunny/Respondent No.3 came to his house and called him outside to have a talk. When he came out, he found a car parked outside the house and Sonu Deepa's brother, his brother-in-law Tony and brother-in-law's brother Minta were sitting in the car and they told the Complainant to get into the car to which he did not agree. Instead, he told them that if they want to have a talk, they must come outside, but he would not sit inside the car. After much insistence, he sat in the car and all four took him to *ganda nala* and they threatened him to either marry their sister or pay Rs.6 lakhs or else he would be finished. He denied doing either as a consequence of which they got furious and started abusing and threatening him. He tried to escape from the car, but he was obstructed. Sunny, Sonu and Minta caught hold of him and on their exhortation; Tony took out a sharp edged knife like object from his pant pocket and stabbed him in his stomach. They thereafter, left in the car, but before leaving they told him that while they are going away today but in case he did not agree to the proposal or file a Complaint in the Police, they would kill him. He made call to his father who along with his brother-in-law Avtar Singh reached the spot and took him to DDU Hospital. On his Complaint, FIR No.148/07 was registered.

7. The Prosecution filed a Chargesheet in the Court under Section 364/341/324/506 (II) read with Section 34 IPC.

8. The Prosecution in support of its case examined nine witnesses in all. PW1 was the Complainant Shri Baljeet Singh who narrated about the entire incident and also proved his Complaint as PW1/A. PW2 Sh. Mangal Singh is the father of the Complainant who has corroborated the testimony of the Complainant that on receiving a phone call from his son Baljeet that he has been stabbed with a knife by Sonu, Sunny, Minta and Tony. He called his



son-in-law Avtar Singh and his relative Dhinder Singh who reached at the scene of crime and took the injured Baljeet Singh to the hospital.

9. PW7/Sh. Avtar Singh and PW8/Sh. Talvinder Singh who had accompanied PW2/Mangal Singh to the scene of crime from where the Complainant was taken to the hospital, has deposed on similar lines.

10. PW3/Dr. Maninder Kaur Chhabra and PW4/Dr. Yogesh Khanna have proved the medical record of the Complainant.

11. PW5/HC Kailash Chand, PW6/Const. Bhagwan Dass, and PW9/SI Satpal Singh, Investigating Officer, have deposed about the investigations conducted which culminated in the Charge Sheet.

12. The Statement of the accused was recorded under Section 313 Cr.P.C.

13. *Learned ASJ in the impugned Judgment* observed that there were material contradictions and improvements in the testimony of the Complainant and three other material witnesses PW7/Sh. Avtar Singh, PW8/Sh. Talvinder Singh and PW2/Sh. Mangal Singh and gave the benefit to the accused persons who were acquitted vide Judgment dated 17.05.2017.

14. *Aggrieved by the said acquittal, the present Appeal has been preferred by the State.*

15. The **grounds** on which the judgment is assailed are that the Complainant PW1/Baljeet Singh has fully corroborated the incident as was recorded in his Statement, on which FIR was registered. His Supplementary Statement also gave the further explanation in consonance to which he had deposed in the Court. It was explained that though the allegations of Abduction were not narrated in the Complaint, but in the Supplementary Statement the Complainant had explained his previous statement. The learned ASJ has failed to appreciate that not one question was suggested to



PW1/Baljeet Singh or PW9/SI Satpal Singh, I.O, about the non-mentioning of abduction in the Complaint dated 08.03.2007. The testimony of the Complainant, therefore, remained unchallenged on this aspect.

16. It is further argued that FIR is not an Encyclopaedia of all the facts and it is only during the investigations that subsequent facts may emerge. It has not been considered that the attention of the witness/complainant was not drawn towards this apparent contradiction in regard to abduction. Without the witness been cross-examined on this aspect, his testimony in this regard could not have been discarded or not believed.

17. Reliance has been placed on the case of Radha Mohan Singh @ Lal Saheb & Ors. vs. State of U.P. (2006 IAD (SC) 417).

18. It is further argued that the testimony of PW2/Mangal Singh father of the Complainant, PW7/Avtar Singh and PW8/Talvinder Singh has not been appreciated in the right perspective. It has not been considered that they all were consistent in their respective testimony. It has also not been considered that DD No.28A was recorded on 07.03.2007 at 11:12 P.M about a person having been stabbed. Another D.D No.38 was recorded on the information received in the Police Station that one person has been admitted in the Hospital. Merely because the other witnesses did not wait for the Police and took the injured to the Hospital from the scene of crime, cannot be a circumstance to doubt the happening of the incident itself.

19. Furthermore, merely because the prosecution witnesses were relatives of Baljeet Singh, would not affect their credibility, as has been held in the case of Bhargawan and Ors. vs. State of Kerala 2003 IX AD (SC) 403 and Dalip Singh & Ors. vs. State of Punjab AIR 1953 SC 364.



20. Furthermore, the prosecution evidence proved the entire chain of events. The *motive of inflicting injuries* on the Complainant is well established in so much as the accused persons were antagonised on account of the relation of the Complainant with their sister Deepa. The motive was thus, well established despite which the Trial Court fell in error in concluding that there has been false implication of the accused in the present case.

21. The *factum of injury* having been received by the Complainant was fully corroborated by the medical record.

22. The evidence of the Prosecution witnesses has not been rightly appreciated in the right perspective and the judgment dated 17.05.2017 of acquitting the Respondents/accused persons is liable to be set aside.

23. *Learned counsel on behalf of the Respondents* have submitted that the learned Trial Court rightly considered that the incident of abduction did not find mention in the first instance in the Complaint, but there was material improvement in introducing it by way of Supplementary Statement. Further, the entire testimony of Mangal Singh, father of the Complainant and the two relatives Avtar Singh and Talvinder Singh is highly improbable and suffers from material contradictions. While Mangal Singh had deposed that he went in his own car and his other two relatives Avtar Singh and Talvinder Singh reached the spot on their respective scooters, but Avtar Singh and Talvinder Singh, have deposed otherwise.

24. Furthermore, when the Police reached the spot, they did not find the injured on the spot and there was no sign of any untoward incident having taken place. The learned Trial Court has thus, rightly appreciated the



material contradictions in the testimony of the prosecution witnesses and has rightly acquitted the Respondents.

25. ***Submissions heard and record perused.***

26. The Charges against the Respondent/accused persons were framed under Section 364/341/324/506 (II) read with Section 34 IPC on 03.01.2011.

27. The first offence with which the Respondents were charged was under Section 364 IPC, which reads as under :

“364. Kidnapping or abducting in order to murder:

Whoever kidnaps or abducts any person in order that such person may be murdered or may be so disposed of as to be put in danger of being murdered, shall be punished with imprisonment for life or rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.”

28. Section 364 makes such abduction punishable under Section 364 where the abduction is done in order to murder the person or to put him in danger of being murdered. In this context, the case of the prosecution may be considered.

29. The Complainant Baljeet Singh in his Complaint Ex.PW1/A had deposed that he had an affair with Deepa sister of Sonu which was not to the liking of her family members. On the date of incident i.e. 07.03.2007 at about 10:30 P.M., Respondent Sonu came to his house and asked him to come out for conversation. When he came out, he found the other three accused persons sitting in the car and Sonu told him to get inside the car to which he was not agreeable. Thereafter, ***on their much insistence***, he got into the car and they took the car to *ganda nala*, where Sunny and Sonu confronted him to marry their sister Deepa or else to pay Res.6 lakhs or else they would kill him.



30. Baljeet Singh in his testimony as PW-1, improved the version by saying that when he came out of his house, the four occupants in the car told him to come into the car, but he insisted that they should come out of the car and talk to him. However, the back door of the car was opened but declined to get into the car. Then Sunny pushed him from behind and forced him to sit on the back seat of the car. Sunny came to sit with him on the back seat. The car was driven by Sonu to Nala in Nar Singh Garden, Khyala. He tried to stop the vehicle, but they forcibly took him to the Nala. He tried to escape, but he was surrounded by two persons.

31. While in the Complaint, he had clearly stated that he on the instance of the accused persons sat in the car, he had materially improved the version in his testimony as PW1 and has asserted that he was forcibly pushed into the car and he even tried to stop the car but was prevented by the accused persons.

32. It is also pertinent to refer to the cross-examination of PW1 who while narrating the entire incident of what transpired on 07.03.2007, has admitted that he was under the influence of liquor and had just finished his dinner, when Sunny came to call him. He came downstairs and they took him inside the car and he did not get any chance to raise the noise.

33. There is material contradiction in this regard and it is clearly borne out that the Complaint had voluntarily sat in the car and that he was not forcibly pushed into the car as had been deposed by him. There was neither any force nor any inducement in compelling the Complainant to get into the car.



34. Furthermore, to constitute an offence under Section 364 IPC, the person should have been forcibly taken in order to murder or to put him in danger of being murdered.

35. From the testimony of the Complainant, what is decipherable is that he had been taken in the car only to threaten him to marry Deepa sister of Sonu or else to pay them Rs.6 lakhs. Clearly, there was no intention of murder when the Complainant was taken in the car by the accused persons.

36. The Complainant had narrated the fact of what had transpired in the first instance but subsequently, in his Supplementary Statement, he had tried to improve the case by saying that he had been forcible taken away in the car.

37. The learned ASJ had rightly observed that allegation of abduction was not mentioned in the initial statement of the Complainant, but had been introduced subsequently by way of Supplementary Statement. The introduction of Section 364 IPC in the Supplementary Statement was a major contradiction and threw a shadow of doubt on the narration in regard to the abduction. The Respondents have been rightly given the benefit of doubt and acquitted under S.364 IPC.

38. Clearly, the ingredients of Section 364 have not been proved from the testimony of the Complainant and he has been rightly acquitted for the offence under Section 364 IPC.

39. The next offence for which the Respondents have been charged was under **Section 341, 324, 506 (II) IPC.**

40. The Complainant Sh. Baljeet Singh in his Complaint Ex.PW1/A, had further stated that after reaching the Ganda Nala, when he was threatened by the Respondents, he tried to get out of the car to escape, the four accused



stopped his way. Thereafter, Sunny, Sonu and Minta caught him and exhorted to hit the Complainant on which Tony took out a sharp knife like object and hit him in the stomach and ran away by saying that today they have only injured him, but in case he did not agree to what they were asking, then they would kill him.

41. PW1 had also deposed to same effect that as he tried to escape from the car and opened the door and came outside, the accused persons caught him. The three accused Sonu told Tony ‘*Pakad Sale Ko Iska Kaam Yahin Tamaam Kar Dete Hain*’. Thereafter, Sonu, Minta and Sunny caught hold of him, who told Tony ‘*Maar Saale Ko*’ and thereafter, Tony took out a sharp knife like object from his pant pocket and stabbed him two times in the stomach after which they threatened him that if he did not agree to the proposal or made a complaint to the Police then *he should see what they would do with him*. Thereafter, they ran away in the car leaving him on the ground.

42. Section 339 of IPC defines Wrongful Restraint as under:

“339. Wrongful restraint —

Whoever voluntarily obstructs any person so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person.”

43. To establish the offence under Section 341, the following ingredients must be satisfied: -

1. **Voluntary Obstruction:** The accused must have voluntarily obstructed the victim.
2. **Prevention from Proceedings:** The obstruction must prevent the victim from proceeding in any direction.



3. **Right to Proceed:** The victim must have a lawful right to proceed in the direction from which they were obstructed.
44. The Apex Court in *Keki Hormusji Gharda vs Mehervan Rustom Irani*, has observed that the obstruction must be direct and physical, and mere allegations without substantial evidence do not suffice to establish wrongful restraint.
45. From the bare reading of this Section, it is evident that the Complainant has been consistent in his Complaint as well as his testimony that as he come out of the car and wanted to leave, but he was apprehended and stabbed by Tony at the instance of other three co-accused persons. It is clearly a case where he wanted to leave, but had been obstructed and restrained from leaving. Clearly, the ingredients of Section 341 IPC are established from the testimony of PW1.
46. The offence under Section 341 IPC is made out and the learned ASJ failed to appreciate these facts in the right perspective.
47. **The offence under Section 341 IPC stands proved by the Prosecution for which the Respondents are held guilty.**
48. The *motive behind this entire incident* is admitted by the Complainant who in his cross-examination had admitted that Deepa, sister of Sunny and Sonu, had a love affair with him. They both went to Chandigarh and stayed there for three nights from 30.08.2006 till 01.09.2006 in Hotel City Heart, Sector-18, Chandigarh, Haryana. He further admitted that FIR No.853/2006 under Section 376 IPC, Police Station Tilak Nagar has been registered against him on the allegation of rape of Deepa. He further deposed that he was married to Ravinder Kaur on 02.10.2000 and his wife is still alive. He denied that he had promised Deepa to marry or that he had committed rape



upon Deepa. He was released on Bail in February, 2007. Further, Minta @ Harjeet Singh later got married to Deepa.

49. PW1 Baljeet Singh has consistently deposed that while the three Respondents namely Sunny, Sonu and Minta apprehended him, Tony had stabbed him with a sharp knife like weapon in his stomach. There is no inherent contradiction brought forth in the cross-examination of PW1.

50. In this context, it would be pertinent to refer to testimony of PW2/Mangal Singh, father of the injured who deposed that his son left the house with Sunny. After about half an hour, he made a phone call to his son who did not respond. After about 30-45 minutes, his son called and told him that the four accused have hit him with the knife. He immediately called his son Avtar Singh and his relative Dhinder Singh, who came to his house and they all rushed to the scene of crime where they found the injured lying. He made a call to the PCR at No.100 and picked his son Baljeet and took him to DDU Hospital in the car. In his cross-examination he had clarified that while he went in the car, Avtar Singh and Dhinder Singh reached the spot almost simultaneously within five minutes of his reaching the spot on their respective scooters. He further clarified that while he took the injured to the hospital in his car, Avtar and Dhinder left their scooters at his house and accompanied them to DDU Hospital.

51. PW7/Avtar Singh, son-in-law of Mangal Singh has also deposed on similar lines. He on receiving a call from Mangal Singh, along with his father-in-law went to the scene of crime where they found Baljeet Singh/Complainant in injured condition with blood oozing out from his person. He along with his father-in-law took him to DDU Hospital. He in his cross-examination, he further explained that he had gone to the spot



directly within 5-7 minutes on his scooter while Dhinder Singh had come separately on his scooter. He further clarified that they both did not go to the house of Mangal Singh. Further, on reaching the spot he found his father-in-law Mangal Singh and Dhinder present alongside Shri Baljeet. They all took the injured to DDU Hospital.

52. PW8/Talvinder Singh has deposed on similar lines that he received the call from his uncle Mangal Singh about the quarrel with his son Baljeet Singh at Nala. He went to the house of his *Fufa* on his scooter, where he met him and his son-in-law Avtar Singh who told him about the quarrel. Thereafter, he, Avtar Singh and Mangal Singh went to the Nala on the scooters, where they had found Baljeet Singh lying on the ground in injured condition.

53. The testimony of all these witnesses is consistent that on receiving a call from his son about the injury, Mangal Singh rushed to the spot in his car, but PW7/Avtar Singh and PW8/Talvinder Singh followed him on their respective scooters. There is no contradiction whatsoever in the testimony of PW2, 7 and 8 as has been erroneously held by the learned ASJ.

54. Not only is the testimony of PW2, PW7 and PW8 consistent, but also corroborates and proves that Baljeet Singh in fact, suffered injury on his stomach and had to be rushed by them to DDU Hospital where he was admitted at 11:30 P.M by Talvinder Singh.

55. Learned ASJ, therefore, fell in error in observing that there were material contradictions in the manner in which the three witnesses namely PW2/Mangal, PW7/Avtar and PW8/Talvinder reached the spot, when in fact their testimony was absolutely consistent on this aspect. It cannot be overlooked that the material facts were whether the injured was stabbed by



the Respondents and not how the three witnesses reached the spot on receiving the information. Even if it is accepted that there was discrepancy about whether PW-7 & 8 first went to the house of PW-2, such aspect was of little consequence to prove the incident. Ld. ASJ fell in error in over emphasizing such minor details, to state them to be major contradictions and disbelieved their testimony.

56. The factum of his having received injury is fully corroborated by the testimony of PW3 *Dr. Maninder Kaur Chhabra* who has proved the MLC of Baljeet Singh as Ex.PW3/A. She has deposed that Baljeet Singh aged 27 year, was admitted in the hospital on 27.03.2007 at 11:30 P.M by Talvinder Singh, with the alleged history of assault. He was first examined by Dr. Ramit Dhalla Sr. Resident in Department of Casualty and thereafter, was referred to Surgery Emergency Ward under the Unit of Dr. G.J. Singh. He was under the treatment of Doctor Nikhil on 08.03.2007 *who gave an opinion that the injury was Simple*. In his cross-examination, he further clarified that the injury as per MLC was caused by sharp edged weapon but whether it was a knife or a blade could not be specified by him.

57. The injured was also referred for his X-ray to the Department of Radiology on 07.03.2007 and his X-ray was conducted by PW-4 Dr. Saurabh who gave X-ray Report wherein he reported that no bony injury was seen. This X-ray Report has been proved by PW4 Doctor Yogesh Khanna, Medical Officer, DDU Hospital as Ex.PW4/A.

58. The medical record of the Complainant to which there is no challenge, fully corroborates the timing at which the incident had taken place. Furthermore, the medical record, also fully corroborates that the



injury in fact, was suffered by the Complainant on his stomach with a sharp edged weapon.

59. PW9 SI Satpal Singh I.O has further corroborated the testimony of the Complainant who has deposed that at about 11:12 P.M on 07.03.2007, information was received vide DD No.28 A in regard to a knife blow inflicted on a person at Nala near Nar Singh Garden, Khyala, Delhi. He along with Const. Bhagwan went to the spot, though none was found. He then received information vide DD No.30 about the admission of the injured in DDU Hospital. He along with Const. Bhagwan went and found Baljeet admitted in the hospital. He was fit for giving his statement and his Statement Ex.PW1/A was recorded in the Hospital on which the I.O made his endorsement Ex.PW9/B and got the FIR registered. He also formally arrested the four accused vide Arrest Memo Ex.PW9/C to Ex.PW9/E respectively. During the interrogations the Respondent/accused disclosed that they have thrown the weapon in Nala, but it could not be traced.

60. Learned counsel on behalf of the Respondent has contended that from the testimony of I.O., it is evident that there were no traces on any incident near Nala as when he along with Const. Bhagwan reached the spot, he found none present. It is also argued that no telltale signs of the incident by way of blood on the scene of alleged crime were found. Had the Complainant been stabbed at the spot, there is no reason why the blood would not have fallen on the ground.

61. This is indeed a feeble argument raised by the counsel for the Respondents as it is natural for the father who on getting the information from his son, immediately reached the spot and took the injured son to the hospital. He could not have been expected to wait on the spot with his



injured son, for the PCR to arrive. The entire chain of events has been consistently proved by all the witnesses. There is no material contradiction in regard to the injury having been inflicted with the sharp edged weapon on Baljeet Singh, by the four accused.

62. **Another contention** was raised on behalf of the Respondents that the weapon of offence was not recovered. Even though the weapon of offence was not recovered, but the factum of injury having been received by the Complainant, is not only sufficiently proved by the ocular evidence of PW1, PW2, PW7 and PW8 but is fully corroborated by the medical record. Merely because the weapon of offence was not recovered, cannot be a circumstance to disbelieve the injury being inflicted by the Respondents on the Complainant. Learned ASJ therefore, was incorrect in concluding that non recovery of alleged weapon of offence, made the prosecution case unbelievable.

63. Rather, the admitted background and the admitted involvement of the Complainant with the sister of Sunny, is clearly the motive for the Respondents to have taken the Complainant to forewarn him and for compelling him to marry Deepa to which he was not agreeable on account of being married to one Ravinder Kaur.

64. Likewise, the contention that the wife of Baljeet Singh was a material witness as she had opened the door when the accused Sunny rang the doorbell. However, she has not been examined by the prosecution.

65. The most material witness in fact in this regard was the Complainant who was called by the accused Sunny to accompany him into the car. Not only the Complainant, but even his father/Mangal Singh corroborated these aspects. Ravinder Kaur could not have improved the case of the prosecution



in any manner. It is not the number of witnesses, but the quality of evidence which is of consequence; in the present case the entire incident has been proved by the prosecution witnesses beyond reasonable doubt.

66. **The offence under Section 324/34, 341/34 IPC against the four Respondents has proved beyond reasonable doubt.**

67. The Respondents have also been charged for the offence under Section 506 (II) IPC for having threatened the Complainant.

“506. Punishment for criminal intimidation.—

Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

if threat be to cause death or grievous hurt, etc.—and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.”

68. The Apex Court, in the case of *Naresh Aneja @ Naresh Kumar Aneja vs State of Uttar Pradesh & Anr.*, 2025 INSC 19 has culled out the ingredients of an offence u/s 503, punishable u/s 506 IPC, which are required to be established, and the same are as follows :-

1. **Threatening a person with any injury;**

(i) to his person, reputation or property; or

(ii) to the person, or reputation of anyone in whom that person is interested.

2. **Such threat must be intentional;**

(i) to cause alarm to that person; or



- (ii) to cause that person to do any act which he is not legally bound to do as the means of avoiding the execution of such threat; or
- (iii) to cause that person to omit to do any act which that person is legally entitled to do as the means of avoiding the execution of such threat.

69. The Apex Court in Parminder Kaur vs State of Punjab, (2020) 8 SCC 811, has detailed the principle of application of Section 506 IPC, in the following manner: -

“11....A reading of the definition of “criminal intimidation” would indicate that there must be an act of threatening to another person, of causing an injury to the person, reputation, or property of the person threatened, or to the person in whom the threatened person is interested and the threat must be with the intent to cause alarm to the person threatened or it must be to do any act which he is not legally bound to do or omit to do an act which he is legally entitled to do.

13. ...It is the intention of the accused that has to be considered in deciding as to whether what he has stated comes within the meaning of “criminal intimidation”. The threat must be with intention to cause alarm to the complainant to cause that person to do or omit to do any work. Mere expression of any words without any intention to cause alarm would not be sufficient to bring in the application of this section. But material has to be placed on record to show that the intention is to cause alarm to the complainant....”

70. Recently in Sharif Ahmed vs State of U.P, 2024 SCC OnLine SC 726, the Apex Court held as under: -

“38. An offence of criminal intimidation arises when the accused intendeds to cause alarm to the victim, though it does not matter whether the victim is alarmed or not. The intention of the accused to cause alarm must be established by bringing evidence on record. The word ‘intimidate’



means to make timid or fearful, especially: to compel or deter by or as if by threats. The threat communicated or uttered by the person named in the chargesheet as an accused, should be uttered and communicated by the said person to threaten the victim for the purpose of influencing her mind. The word 'threat' refers to the intent to inflict punishment, loss or pain on the other. Injury involves doing an illegal act."

71. The Apex Court in Naresh Aneja (supra) has further impressed upon the "*importance of material and evidence being placed on record to demonstrate intention. A mere statement without intention would not attract the offence.*"

72. The Complainant in his Complaint Ex.PW1/A has stated that after he was made to sit in the car, they kept on abusing and threatening him and told him to either pay Rs.6 lakhs or to marry Deepa or else they would kill him. Further, after stabbing him while leaving they threatened him again that in case any Complaint was made to the police or he did not pay heed to their demands, they would kill him. However, in his testimony as PW1 he has deposed that after he got into the car they started abusing him and demanding Rs.6 lakhs, when he refused to marry Deepa. Even after stabbing him, they left by saying that he should either agree to their proposal or he should see what they would do with him. There is not a iota of deposition that there was any extension of threat to kill him.

73. Therefore, though from the comprehensive reading of his Complaint and testimony it is established that threats were extended to the Complainant, but the threat to kill him is not proved.

74. ***It is, therefore, held that offence under Section 506 (I) IPC is proved against the Respondents.***

Conclusion:



75. The Respondents are accordingly held guilty of the offence under Section 341/324/506(I)/34 IPC.

Order on Sentence

76. Learned Counsel appearing for Respondents/Accused has submitted that Respondents – Yogesh Khanna @ Sunny and Sonu are the brothers of the Prosecutrix, who was raped by the Complainant and even an FIR got registered against him. In fact, it was the Complainant who had wronged the family of Respondents No.3 and 4. There was no intention to commit any offence but they had gone only to convince him to marry their sister.

77. It is further submitted that they are respectable people, having their own independent livelihood and have never been involved in any crime and have clean antecedents.

78. Accused Darshan Singh @ Tony is 54 years old, has wife and children. He is earning his livelihood by working as a Labour in a factory. Even during the entire trial, there is nothing untoward reported against him.

79. Accused Harjeet Singh @ Minta is aged 44 years and is married and has wife and two children to support. He is working in a Hosiery factory.

80. Accused Yogesh Khanna @ Sunny is aged 36 years and is working as a Driver.

81. Accused Sonu is aged 40 years and he is also working as a Private Driver.

82. It is, therefore, submitted that leniency be adopted in sentencing the Accused/Respondents.

83. **Submissions heard.**

84. For the reasons stated in the Judgment that a prior FIR was registered against the Complainant for raping the sister of the accused Sonu and



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Yogesh Khanna @ Sunny and considering that in the present FIR case, the Respondents have been facing trial since 2007, and since then, they have not been involved in any other offence, and also looking at the family background and responsibilities of the accused persons, they are admitted to Probation for one year on their furnishing Personal Bonds of Good Conduct in the sum of Rs.15,000/- each, with one Surety in the like amount, before the learned Trial Court.

85. The Appeal is accordingly disposed of.

(NEENA BANSAL KRISHNA)
JUDGE

APRIL 09, 2025

Va/r