



2025:DHC:5155



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

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Reserved on: 11th March, 2025

Pronounced on: 27th June, 2025

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CRL.M.C. 1475/2017 & CRL. M.A. 6073/2017

SANDEEP GULIANI & SAVITRI GULIANI

1) **Sandeep Guliani**

s/o Dr Shanti Samp Guliani

2) **Savitri Guliani**

w/o Dr Shanti Samp Guliani

Both r/o I4B, A2B, MIG DDA Flats,

Ekta Apartments, Paschim Vihar,

New Delhi-110063.

.....Petitioners

Through: None.

versus

RANDHIR SINGH

S/o Sh. Devi Singh

R/o H.NO WZ ISO Tilak Vihar,

Tilak Nagar, New Delhi-110018

.....Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Petition under Section 482 of Cr.P.C. has been filed for quashing CC No.558/1/09 under Section 200 of Cr.P.C. filed against the petitioners for offences under Sections 324, 340, 506, 308, 120 B, 354 r/w 34 IPC.

2. The Respondent/Complainant SI Randhir Singh filed a Complaint bearing CC No.558/1/09 under Section 200 Cr.P.C. wherein he has asserted



that he was in Delhi Police since last 40 years. Between the period 2002 to 2004, he was posted as SI in P.S. Paschim Vihar, West Delhi. On 08.11.2002, information was received vide DD No.17A in respect of quarrel between Smt. Balkesh Rana and the petitioners as well as Ms. Kamini. Two Kalandras No. 2291/2002 and 2992/2002 were instituted against the said persons under Sections 107/151 Cr.P.C. Eventually, the Petitioner Sandeep Guliani got discharged under Kalandra No. 2291/2002 on 22.11.2002; while Smt. Savitri Guliani, (mother) and Ms. Kamini (sister) got discharged under the Kalandra proceedings on 10.01.2003.

3. Aggrieved by the actions of SI Randhir Singh, Smt. Balkesh Rana and Sh. Sandeep Rana, Petitioner No. 2 herein filed CC No.798/01/02 under Sections 324, 340, 506, 120B, 451, 354, 34 IPC against them which is pending adjudication before the Learned MM, Tis Hazari Courts, Delhi. It is submitted that in a counterblast to the aforesaid Complaint, SI Randhir Singh along with others, lodged an FIR No. 766/02 under Sections 323, 341, 506, 34 IPC on 27.11.2002, against the petitioners and Ms. Kamini.

4. Thereafter, on 11.08.2009, Ms. Kamini gave a Complaint dated 12.08.2009 alleging that she had been raped by SI Randhir Singh Respondent. An inquiry was conducted in the said complaint, and DCP, Outer District finding the allegations to be unsubstantiated, closed the Complaint vide Order dated 25.09.2009.

5. Thereafter, SI Randhir Singh, the Respondent herein, filed a **Complaint Case No.558/1/09 under Sections 182/211/384/500/506/34/120B IPC** against the Petitioners and Ms. Kamini. In the said Complaint, the statement of the Complainant was recorded as



CW1 and HC Subhash Chander as CW2 who produced the copy of the FIR No.766/02 dated 27.11.2002 registered on the complaint of Smt. Balkesh Rana against the petitioners and Ms. Kamini, which was exhibited as CW2/A; DD No.14A dated 08.11.2002 was exhibited as CW2/B and Kalandra under Sections 107/151 Cr.P.C. in DD No.17A dated 08.11.2002, PS Paschim Vihar as Exhibit CW2/C.

6. The Learned MM vide impugned Order dated 09.11.2011, considered the averments made in detail and observed that an offence under ***Section 506 IPC prima facie was disclosed, but no offence under Sections 182, 384, 211 and 500 IPC was made out.*** Consequently, the two petitioners and Ms. Kamini were summoned under Section 506 IPC.

7. ***Ms. Kamini filed a Revision Petition being CR No.34/2015*** to challenge the summoning Order. The Revision Petition was allowed vide Order dated 17.10.2015 by Learned ASJ, who observed that no offence under Section 506 IPC was disclosed and consequently discharged Ms. Kamini.

8. Thereafter, ***Smt. Savitri Guliani (mother of Ms. Kamini) filed CR No.47/2015*** to challenge her Summoning vide the same Order dated 09.11.2011, but the same was dismissed on account of inordinate delay.

9. Then Smt. Savitri Guliani along with Mr. Sandeep Guliani filed another Criminal Revision No.13/2017 to challenge the summoning Order dated 09.11.2011. This Petition was also dismissed vide Order dated 20.03.2017 observing that the Ld. Court had no jurisdiction to quash the complaint and also considering that CR No.47/2015 filed earlier by Smt. Savitri Guliani already stood dismissed as barred by limitation.



10. The petitioners have now filed the present Writ Petition under Section 482 Cr.P.C. seeking quashing of CC No.558/01/09. It is submitted that essentially the petitioners have sought quashing of the Complaint on the ground that there is no material to disclose the offence under Section 506 IPC and that the Petitioners have been implicated falsely in this case. It is claimed that the Complaint case has been filed by the Respondent on wrong and incorrect facts to derive wrong benefits.

11. On 08.11.2002, on the basis of DD No.17A dated 08.11.2002, Petitioner Sandeep Guliani had been illegally handcuffed, arrested and put inside the lockup and forcibly restrained for the entire night till noon of 09.11.2002. SI. Randhir, in collusion HC Narender Rana and CT. Pradeep Kumar, had not only mercilessly beaten the Petitioners and Ms. Kamini but had also with *mala fide* intent booked only them under 107/151 Cr.P.C. and no action was taken against Smt. Balkesh Rana.

12. It is further submitted that **FIR No.766/02** which was registered against them on the complaint of Smt. Balkesh Rana, ended in acquittal against two of the accused persons namely Savitri and Kamini vide Order dated 19.12.2013 and all of them had been released on *Probation for Good Conduct* because Smt. Balkesh Rana failed to support against the petitioners.

13. It is further submitted that the falsity of the Kalandras is evident from the fact that the two petitioners as well as Ms. Kamini, got eventually discharged under those Kalandras.

14. It is asserted that Learned MM has not appreciated that the present Complaint was filed by Respondent as a counterblast to the Complaint No.798/01/02 filed against him by Ms. Savitri Guliani. It is claimed that the



present *Complaint bearing CC No.558/1/9* is based on incorrect manipulated facts as no such incident as asserted in the Complaint, ever took place. Wrong facts have been intentionally and deliberately mentioned in the Complaint.

15. Furthermore, from the evidence of the Complainant, no offence under Section 506 IPC is disclosed. Moreover, there are various contradictions between his testimony and contents of the Complaint.

16. ***Therefore, the Complaint is liable to be quashed as no offence under Section 506 IPC is made out.***

17. The Respondent in *his Reply* to the present Petition, has submitted that the Petition is bad for non-joinder as Government of NCT of Delhi has not been impleaded as a party. Also, there is no merit in the present Petition and it is not maintainable in as much as it seeks quashing of the summoning Order in a Complaint case.

18. It is submitted that ample opportunity was given to the Petitioners to cross-examine the Respondent and the witnesses, but instead of contesting the case, present Petition has been filed. It is evident from the conduct of the Petitioners that they have always been trying to interfere in the procedure and escape from legal proceedings.

19. The dispute commenced in 2002 when they were booked with the registration of Kalandras recorded DD No. 17A dated 08.11.2002 and on that basis, FIR No. 766/02 got registered against the Petitioners but in order to save themselves, they falsely implicated the Respondent by leveling false allegations of outraging the modesty and also the allegations of rape.



Subsequently, similar Complaint was made to the DCP, who found no merit and dismissed it.

20. It is further submitted that earlier Revision Petition filed by Smt. Savitri Guliani has already been dismissed, as being barred by limitation. The second attempt made by Smt. Savitri Guliani along with Mr. Sandeep Guliani, again met the same fate and got dismissed.

21. The present Petition is nothing but an abuse of process of law and is liable to be dismissed.

Submissions heard and report perused.

22. Pertinently, the *inter se* disputes between the petitioners, Ms. Kamini and the Respondent commenced in 2002 when the Petitioners were booked under Kalandra under 107/151 Cr.P.C., though eventually they got discharged under the said proceedings. However, on the Complaint of the Respondent and others, FIR No. 766/02 was registered but in the said case, the Complainant Smt. Balkesh Rana failed to support the case of the prosecution. However, the *Petitioners as well as Ms. Kamini were convicted under Sections 323, 341, 506 (234) IPC. Revision/Appeal No.261/4/13* got filed by Ms. Kamini and Smt. Savitri Guliani, which was allowed.

23. However, the *inter se* acrimony between the Petitioners and the Respondent did not end and eventually, the Respondent filed the present ***Complaint Case No.558/1/09*** against the Petitioners.

24. Pertinently, the Learned MM in his impugned Order of summoning dated 09.11.2011, observed that no offences under Sections 182, 384 and 211 IPC were made out. However, it was observed that *prima facie* offence



under Section 506 IPC is made out and consequently, the two Petitioners as well as Ms. Kamini were summoned.

25. ***Ms. Kamini preferred a Revision Petition*** wherein the Learned ASJ in the Order dated 17.10.2015 observed that, from the testimony of the Complainant and the witnesses, it emerged that there were material contradictions in the statements of the Respondent no.1. It was highlighted that as per the Complaint the averments made were “*the accused persons had threatened to the Complainant that they will not leave alive to him and they demanded also Rs.3 lac*”. However, the Complainant/Respondent in his testimony as CW1 deposed “*I was given criminal intimidation that they will implicate him in false and fabricated case and in this regard they had given several false complaints against me as well as other persons*”. The allegations made qua criminal intimidation in the evidence of CW-1(*Respondent*) were observed to be different from the averments made in the Complaint.

26. Further, the Learned ASJ observed that the allegations made in regard to criminal intimidation were omnibus as it had not been specified as to who amongst the accused persons, had given him such threats and also did not mention as to when such threats were given as no date, time or place was mentioned in the Complaint. ***Thus, it was observed that no offence under Section 506 IPC was made out and Ms. Kamini was discharged.***

27. Unfortunately, the Revision Petition filed by Savitri Guliani as well as by Sandeep Guliani who are the Petitioners herein, were dismissed on account of being barred by limitation.



28. Here, the Petitioners have approached the Court under Section 482 Cr.P.C. seeking quashing of Complaint itself as the same is not disclosing any offence. The powers that can be exercised by the High Court are much wider and have a scope different from a challenge to a summoning Order.

29. The judgement of the Hon'ble Apex Court in State of Haryana & Ors. vs. Bhajan Lal & Ors., 1992 SCC (Cr.) 426, laid down seven-point test to be followed while issuing process under the provisions of the Cr.P.C. It becomes indispensable for a Magistrate to not consider the same while summoning the accused. The relevant portion is as follows: -

“102. (1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.



(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the Act concerned (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the Act concerned, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or 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.”

30. Further in the case of Jagdish Ram vs. State of Rajasthan and Another, (2004) 4 SCC 432, the Apex court held it that a Magistrate must have sufficient grounds to proceed while issuing a Summoning Order under the provisions of Cr.P.C.

31. Therefore, this Court is well within its jurisdiction to consider if the Complaint itself discloses any cognizable offence for which the Petitioners need to face a trial, dehors the unsuccessful challenge by the Petitioners to the Summoning Order.

32. It is evident from the perusal of the Complaint and the evidence of the Respondent, that omnibus allegations of alleged threat and demand of money had been made in the Complaint as well as in the testimony.

33. The essential ingredients to make out an offence punishable under Section 506 have been discussed by the Apex Court in Manik Taneja Vs. State of Karnataka, (2015) 7 SCC 423 wherein the Court had observed as under:

"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."

34. In the present case, nothing significant in regard to the alleged threat to the Complainant, has emerged in the testimony of the prosecution witnesses, to establish that the respondent got intimidated and thus, the offence under Section 506 IPC, is clearly not disclosed. Even if the entire contentions made in the Complaint and the testimony of the Respondent is accepted, then too ***the essential ingredients of offence under Section 506 IPC are not made out.***

35. It is pertinent to note that this summoning Order was challenged successfully in the Revision Petition by Ms. Kamini, one of the three accused and Ld. ASJ, in its detailed Order dated 17.10.2015 has held that no offence under S.506 IPC is made out. It would be travesty of law if on the same averments which have been held to disclose no offence, the Complaint is allowed to be continued against the other two accused/Petitioners, merely on account of procedural lapses.

36. It is clearly evident that here is the game of wits between the Complainant and between the Petitioners and the Respondent who have been filing cross Complaints against each other. Such conduct of the Petitioners as well as of the Respondent who is a responsible officer of Delhi Police, is neither warranted nor appreciable.



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37. Considering the totality of the circumstances wherein no *prima facie* case is disclosed in the Complaint read with the testimony led by the Respondent/Complainant, *the Complaint is hereby, quashed and the Petitioners are discharged.*

The petition is allowed and disposed of accordingly along with the pending Application(s)if any.

**(NEENA BANSAL KRISHNA)
JUDGE**

JUNE 27, 2025/pp