



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

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*Reserved on: 29th April, 2025
Pronounced on: 30th June, 2025*

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CRL. A.579/2025

RANJAN OBEROI

S/o Sh. Ram Rang Oberoi
R/o E-18, Nizamuddin West,
New Delhi-110019.

.....Petitioner

Through: Mr. Harender Sangwan, Advocate.

versus

1. **STATE**

2. **MR. ABDUL LATIF**

R/o E-17, Nizamuddin West,
New Delhi-110019.

3. **IMRAN LATIF**

R/o E-17, Nizamuddin West,
New Delhi-110019.

4. **ZEESHAN LATIF**

R/o E-17, Nizamuddin West,
New Delhi-110019.

.....Respondents

Through: Mr. Utkarsh, APP for State with SI Pavan.

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 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C."*) has been filed by the Appellant/Complainant, Sh. Ranjan Oberoi to challenge the Judgment dated 22.12.2016 *vide* which the Respondent No.2 to 4 namely, Sh. Abdul Latif, Sh. Imran Latif and Sh. Zeeshan Latif have been acquitted for the offence under Section 341/509/323 Indian Penal Code, 1860 (*hereinafter referred to as "IPC"*) in FIR No.320/2009 PS Hazrat Nizamuddin.

2. ***The case of the Prosecution*** is that the Appellant/Complainant, Ranjan Oberoi in his Complaint dated 12.07.2009 to the Police stated that since last four years water has been seeping into the walls of his house from the side of the house of Sh. Imran Latif. He started construction in the year 2005 but his house was sealed in February-March, 2006. Thereafter, he again started the construction in which he fully cooperated and supported even though there was disturbance and many a times bricks would fall from third and fourth floor in his own area, though none was hurt. These facts were brought to the notice of Sh. Abdul Latif and Sh. Imran Latif, but they assured that it would dry up eventually. On 12.07.2009, at around 02:30 P.M. on his return to home after attending a function, he went to the back side of his house and requested Sh. Imran Latif/Respondent No.3 to come to his house for a minute. After about ten minutes, Sh. Imran Latif along with his father Sh. Abdul Latif/Respondent No.2 and younger brother Sh. Zeeshan Latif/ Respondent No.4, came to his house and started using foul language and beat him, his wife and the two daughters. It was stated that they had



come with a specific intent of hitting and abusing him and his family members.

3. On his Complaint FIR was registered on 28.07.2009 under Section 341/323/509 IPC. Investigations were carried out and eventually the Chargesheet was filed in the Court.

4. *The Prosecution in support of its case examined eleven witnesses.*

5. PW1Ranjan Oberoi was the Complainant, while PW4 Smt. Indu Oberoi was his wife who narrated about the incident. The Prosecution also examined PW2 Madhur Bhargava, PW6 Ranjan Mittu, PW8 Smt. Nirmal, the neighbours to corroborate the incident.

6. The statement of the Respondents was recorded *under Section 313 Cr.P.C.* wherein they pleaded their innocence.

7. *In their defence*, the Respondent Sh. Imran Latif appeared as DW1 and deposed that on the date of incident. He stated that the Complainant had come to his house to say that he may come to his house to take back Rs.80,000/- which had been borrowed by him When he went to his house, he complained about the seepage in his house because of the construction and made a demand of Rs.1.5 lakhs. Thereafter, he and his family members started quarrelling with them. One female relative of their family hit him on his ear with a kitchen utensil because of which his ear started bleeding. The Complainant, Sh. Ranjan Oberoi and his family members gave him beatings, abused him and pushed him out of the house. He went to the Police Station to make a Complaint and in the mean while, the Complainant also arrived.



He was medically examined at AIIMS Hospital and his Medical Report is Ex.DW1/A.

8. DW2 Sh. Abdul Latif, Respondent No.2 also deposed on similar lines as DW1. He further deposed that he had given a Complaint Ex.DW2/A to the Police though no action was taken. He pleaded his innocence.

9. The ***Ld. M.M in the Impugned Judgment*** dated 22.12.2016 observed that though the Complainant and his wife had claimed that abusive and filthy language was used, but none of them had explained a word of what was said. *Therefore, no offence under Section 509 IPC was proved.*

10. It was further observed that there were material contradictions in the testimonies of these two witnesses. Even PW8, Smt. Nirmal, the neighbour who claimed to have seen the incident happening, was not able to corroborate the testimony of PW1 and PW4 on material aspects. The other two neighbours denied being an eye witness to the incident and claimed that they were subsequently informed about the incident. ***The Ld. M.M after noting all these contradictions, acquitted the Respondents vide Judgment dated 22.12.2016.***

11. *Aggrieved by the acquittal, the present Appeal has been preferred by the Complainant, Sh. Ranjan Oberoi.*

12. The ***grounds of Appeal*** are that there was enough evidence, direct and circumstantial, to convict the Respondents. It has not been considered that PW6 Ranjan Mittu and PW10 Rajbir Singh had turned hostile and therefore, their depositions should not be held against the Complainant. The key facts



of the Complainant, Sh. Ranjan Oberoi and his wife and daughters being manhandled by the Respondents has not been considered to convict them under Section 509 IPC. Furthermore, that no MLC of his wife and daughters was prepared since the I.O. did not get them medically examined. The Ld. M.M also did not appreciate the testimony of PW3 Shri Jia Lal who in his cross-examination had stated that he had informed the Appellant and his family members that bricks fell from the house of the Respondents and he was about to be grievously injured.

13. It is further contended that *there was an inordinate delay in registration of FIR* and the Respondents had been arrested after about four months of registration of FIR.

14. The Respondent No.2, Sh. Imran Latif had never questioned or raised any objection to PW10 Shri Rajbir Singh who appeared on behalf of Dr. Deepak Gupta to identify his signatures on the MLC. The medical record of the Complainant clearly reflects that he had sustained injury on the right side of his nose.

15. It is asserted that no proper investigations had been conducted by the Police who did not place on record the PCR call made by the Complainant, Sh. Ranjan Oberoi. *The testimony of PW1, Sh. Ranjan Oberoi and PW4 and Smt. Indu Oberoi was consistent and sufficient for the conviction of the Respondents.*

16. Further, It has not been considered that the wife of Respondent No.2, Sh. Imran Latif had filed a false Civil Suit against the Appellant, Sh. Ranjan Oberoi and his family members, but it was withdrawn as soon as the



Municipal Corporation of Delhi was impleaded as a party. The Respondent No.3 Sh. Imran Latif had mentioned that the Appellant, Sh. Ranjan Oberoi had demanded a further amount of Rs.1.5 lakhs from him, but this was never stated by the Respondents in their respective statements under Section 313 Cr.P.C.

17. It is asserted that the testimony of DW2/Respondent No.2, Sh. Abdul Latif is baseless as there is no receipt of Rs.80,000/- allegedly having given to the Appellant/Complainant, Sh. Ranjan Oberoi.

18. Further, looking at the height, weight and age of the Respondent No.3, Sh. Zeeshan Latif it is highly unlikely that he could have been ruffled up by the Complainant and his family members.

19. It is asserted that the Ld. M.M has erroneously observed that the Complaint of the Appellant, Sh. Ranjan Oberoi was vague or bereft of necessary details. PW8 Smt. Nirmal in her cross-examination had clarified that she had seen the entire incident through her balcony and her testimony has been erroneously disbelieved by the Ld. M.M. The entire judgment is based on conjectures and the evidence has not been appreciated in the right perspective.***It is, therefore, submitted that the Appeal be allowed and the Respondents be convicted and sentence be passed.***

20. ***Respondent No.2 to 4 in their Reply*** have claimed that the present Appeal by the Complainant to challenge the judgment of acquittal of Ld. M.M., is not maintainable. It is further submitted that the evidence has been correctly appreciated by the Ld. MM and the Respondents have been rightly



acquitted. *It is claimed that there is no merit in the present Appeal which is liable to be rejected.*

21. Submissions heard and Record Perused.

22. It is an unfortunate incident of scuffle between the neighbours which has taken ugly shape of registration of FIR bearing No. 320/2009 dated 28.07.2009 and the consequent trial. As per the testimony of the Complainant, Sh. Ranjan Oberoi he was troubled by the consistent seepage into the wall of his house from the side of the house of the Respondents. On the date of incident i.e. 12.07.2009 at about 02:30 P.M., when he returned to his house from a function, he noticed a seepage and went to the house of the Respondents and requested Sh. Imran Latif, Respondent No.2 to come to his house. After about ten minutes, the three Respondents i.e. Sh. Abdul Latif, Respondent No. 2, the father and Respondent No.3 and 4 his sons namely Sh. Imran Latif and Sh. Zeeshan Latif came to his house, where a scuffle took place. According to the Complainant when he complained about the seepage, the Respondents started abusing him, his wife and two daughters in filthy language and gave beatings. Thereafter, he went to the Police Station and made a Complaint Ex.PW1/A.

23. **PW4 Smt. Indu Oberoi**, wife of the Complainant, Sh. Ranjan Oberoi has deposed on similar lines.

24. The Ld. M.M. has rightly observed that aside from making bald assertions that Respondents started using filthy language, not a word of what was said has been explained by any of the witnesses either in their examination-in-chief or cross-examination. Merely by asserting that filthy



language was used, cannot be in any way considered sufficient to bring home the offence under Section 509 IPC. ***The Ld. M.M has, therefore, rightly acquitted the Respondents under Section 509 IPC.***

25. It is also significant to note that the consistent case of the Complainant, Sh. Ranjan Oberoi was that he had gone to the house of the Respondents and told them to come to his house, who accordingly came after ten minutes. *There is no trespass in the house of the Complainant, Sh. Ranjan Oberoi as the Respondents came on the request of the Complainant, Sh. Ranjan Oberoi and there is also nothing to show that there was any criminal intent of the Respondents to commit any offence, when they entered the house. Likewise, there was no evidence whatsoever that they prevented or restraint the Complainant, Sh. Ranjan Oberoi and his family members from proceeding in any direction. In fact, there is no such assertion made in the Complaint or in the testimony of the prosecution witnesses.*

26. ***No offence under Section 341 IPC has been made out from the entire evidence led by the Prosecution.***

27. *The third offence with which the Respondents were charged was under Section 323 IPC. The version of PW1, Sh. Ranjan Oberoi, the Complainant and PW4 Indu Oberoi, his wife was that after the Respondents entered their house, they started giving them beatings. It is difficult to comprehend that the neighbours with whom according to the Complainant, there were cordial relationship, would come to the house of the Complainant, Sh. Ranjan Oberoi on his request and thereafter suddenly start giving beatings to them.*



28. In fact, the Respondents as *DW2, Sh. Abdul Latif and DW1 Sh. Imran Latif* in their respective testimony, have explained that they had given a loan of Rs.80,000/- to the Complainant and he on the date of incident, he had come to their house to say that they may come to his house to collect Rs.80,000/- for which reason they went to his house. They further deposed that the Complainant, Sh. Ranjan Oberoi started demanding Rs.1.5 lakhs from the alleged seepage in his house, which in fact did not exist. Scuffle ensued thereafter in which, according to the Complainant, he, his wife and daughters were injured. According to DW1 and DW2, infact, they suffered the injuries.

29. From the testimony of both PW1 and PW4 as well as from the evidence of the Respondents, what is proved is that a scuffled inside the house of the Complainant took place between them. However, there are no circumstances to show who was the instigators. Evidently, the Complainant was troubled with the constant seepage into his house from the premises of the Respondents and with an intent to show it to them, he had called them to his house where the scuffle happened.

30. It cannot be overlooked that a Civil Suit was filed by the wife of Respondent No.2, Sh. Imran Latif, which got withdrawn as soon as the MCD was impleaded, which also corroborates the Complainant that there were some construction issues.

31. In this backdrop, the explanation of the respondents that they had been called by the Complainant to his house to return the alleged Loan due amount of Rs. 80,000/- is too far-fetched, as if the intent was only to return



the money, the Complainant could have returned it when he went to call the Respondents for which he did not need to call the respondents to his house. Secondly, when only Sh. Imran Latif/Respondent No.3 was requested to come and too to allegedly collect the money, where was the question of all the respondents going, unless they expected some confrontation. Further, no evidence of there being any amount due has been produced in corroboration of their defence.

32. The next significant aspect is that Abdul Latif, Respondent No. 2 himself went to the Police Station and gave his Complaint on the same day. While he was sitting in the Police Station, the Complainant, Sh. Ranjan Oberoi also arrived and gave the Complaint.

33. The Complainant Sh. Ranjan Oberoi as well as the Respondent No.2 Abdul Latif were examined at AIIMS Hospital on the Request letters itself. While the Complainant was noted to have a cut injury on his nose, Respondent No.2 Abdul Latif had a lacerated injury on his right ear. Pertinently, both the Complainant, Sh. Ranjan Oberoi and Sh. Abdul Latif had an injury on their body only supports about the scuffle, but does not show who was the perpetrator and who was the defender.

34. Rather, different versions have been given by both the Complainant and the Respondents to explain their side of the story. Neither proves that it was the Complainant or the Respondents who were the aggressors. It is merely a case of altercation resulting in minor injury on the person of Complainant and the Respondent Sh. Imran Latif. Even though it is established that simple injury was suffered by the Complainant and his



family members as well as the respondents, but to prove the offence under Section 323 IPC, *the requisite intention of the Respondent and they being the perpetrators has not been made out.*

35. Much has been contended in regard to the independent witnesses, however, *PW2 Madhur Bhargava, PW3 Jai Lal Gardner and PW6 Ranjan Mittu* have deposed that they were not an eye witness to the entire incident, but came to know about it subsequently. Therefore, their evidence has rightly been held to be not proving the case of the Prosecution.

36. *PW8 Smt. Nirmal*, their neighbour claimed that she saw the incident from her balcony. It is difficult to comprehend that how a person standing on a balcony, could see a scuffle happening inside the house of the Complainant, Sh. Ranjan Oberoi. Moreover, she stated that she had heard some noises from the street and noticed a quarrel between the Complainant, Sh. Ranjan Oberoi and his wife with the Respondents. She further deposed that Respondents were giving blows with fists and hand. When the two daughters of the Complainant, Sh. Ranjan Oberoi came to rescue, they were also manhandled by the Respondent. The entire testimony of PW8 even if admitted, does not show who was the perpetrator of the crime.

37. It can, therefore, be safely concluded that it was a scuffle between the Appellant/Complainant and the Respondents but there is no evidence to show that the Respondents were the perpetrator of crime. Being a small fight inter-se the neighbours, is the reason why the FIR was registered after ten days on 27.07.2007 and that too, on the instructions of the Superior Offices, as has been recorded in the Rukka.



38. The Ld. M.M has rightly acquitted the Respondents. There is no merit in the present Appeal, which is hereby dismissed. Pending Applications are disposed of accordingly.

**(NEENA BANSAL KRISHNA)
JUDGE**

JUNE 30, 2025

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