

IN THE COURT OF SH. PARVEEN SINGH,  
ADDL. SESSIONS JUDGE-03, NORTH EAST DISTRICT,  
KARKARDOOMA COURT, DELHI.

DLNE010022332026



CR No. 83/26

- 1 Sameer s/o Zaheer Ahmed  
r/o C-12/155, Yamuna Vihar,  
Delhi-53.
- 2 Sherkhan s/o Sh. Zaheer Ahmed  
r/o C-12/155, Yamuna Vihar,  
Delhi-53

.....Revisionists

Vs

The State  
(Govt. of NCT of Delhi)

.....Respondent

**Order**

Date of Institution : 08.07.2026  
Date of Arguments: 13.08.2026  
Date of Judgment : 13.08.2026

**CRIMINAL REVISION U/S 438 BNSS/397 Cr. PC AGAINST THE  
ORDER ON CHARGE DATED 15.05.2026 PASSED BY THE COURT  
OF LD. JMFC.**

CR No. 83/26

Page No. 1 of 6

## ORDER

1. The present revision petition has been preferred against the impugned order dt. 15.05.2026 passed by Id. JMFC, Mahila Court-01 whereby charges were ordered to be framed against the revisionists.

2. Brief facts, as per the prosecution case as alleged before the Id. Trial Court, were that the present FIR bearing no.525/23 u/s 323/354B/506/34 IPC, was registered at PS Bhajanpura on 11.10.2023. It was alleged by the complainant that she and accused were neighbours. The accused had been harassing her and her family for about one year. On 09.10.2023 at about 10.20 p.m., one Sanjida who was mother of revisionists had beaten her and the complainant had made a call at number 112. on 11.10.2023 at around 2.10 p.m., complainant and her sister had gone to the house of accused Sameer, because he had broken a flower pot which was placed in front of their house. They had gone to Sameer to ask why he had done so. Sameer pushed the complainant, slapped her and beat her and her younger sister. Clothes of her younger sister were also torn by Sameer.

3. After investigation, chargesheet in this case was filed against 3 persons namely Sameer (revisionist no.1), Sher Khan (revisionist no.2) and their mother Sanjida. Vide impugned order, the Id. Trial Court ordered framing of charges for the offences u/s 323 IPC /354B IPC and 506 r/w section 34 IPC against revisionist no.1 and for the offences u/s 506 r/w section 34 IPC against revisionist no.2. The third accused namely Sanjida was discharged for all the offences for which she had

been chargesheeted. Hence, the present revision petition.

4. It is submitted in the petition that the story of the prosecution was a concocted one and the entire incident was captured in the cctv footage which had been placed on the record by the IO. The Id. Trial Court had seen the video and observed that in that video, complainant could be seen aggressively fighting with accused no.3 (since discharged) and coming uncomfortably close to her. The Ld. Trial Court failed to apply its judicial mind because complainant alongwith her sister could be seen in the video when she went to door of revisionist no.1 to provoke him and used filthy and abusive language. When revisionist no.1 tried to stop them, it was complainant who first slapped the revisionist no.1. It was the complainant who started the fight and the Revisionist no. 1 was only trying to get rid of her.

5. It is further submitted that Id. Trial Court failed to appreciate that Revisionist no.2 who was not visible in any of the videos had not extended any threats because at the relevant time, he was at Krishna Nagar. There was no material against Revisionist no.2. Despite CCTV camera being installed at the house of the complainant, the CCTV footage of the incident alleged against revisionist no.2 was never supplied to the IO because no such incident had happened. It is also contended that there was no allegation against accused no.2 in the FIR and as an afterthought, he was falsely implicated by adding his name and attributing an act to him during his statement u/s 164 Cr. PC. It is further contended that Id. Trial Court failed to appreciate that clothes were torn

in the fight and there was no intent to outrage the modesty of the complainant.

6. Ld. Addl. PP on behalf of the State did not file any reply and decided to argue the matter straightaway.

7. I have heard ld. counsel for revisionists and ld. Addl. PP and have perused the record carefully.

8. Ld. counsel for revisionist has contended that the ld. Trial Court has mis-applied the law. He has contended that the video footage available with the ld. Trial Court clearly shows that it was the complainant and her sister, who were the aggressive party. They had approached the house of the accused, abused him in filthy language and thereafter assaulted him and he had merely retaliated in order to save himself. It is further contended that there was no intent of disrobing the complainant's sister and the entire incident reflects that it is during the fight that clothes of the sister of the complainant were torn and hence, no case for offence u/s 354 B IPC is made out. He has further contended that there is no evidence against the revisionist no.2 except the statement of the victim u/s 164 Cr. PC wherein she had alleged that later on revisionist no.2 reached her house and banged upon her door asking her to come out. It is further contended that at the relevant time, revisionist no.2 was at Gym at Krishna Nagar and this fact can be verified. It is further contended that there was no allegation against revisionist no.2 in the original complaint of the complainant and as an afterthought his name was added during her statement u/s 164 Cr. PC. He has therefore,

contended that the impugned order is liable to be set aside and the revisionists are entitled to an order of discharge.

9. Per contra, ld. Addl. PP for the State has contended that the order of the ld. Trial Court is detailed, self speaking and well reasoned. He has contended that ld. Trial Court has considered each and every contention that had been raised by the revisionists. These are the same contentions which the revisionists has raised before this court. Contention of the revisionists, as per ld. Addl. PP, are merely the defences which the revisionists had raised and the ld. Trial Court could not have considered those defences at the time of framing the charges as it is only during the trial that they have to prove their defence.

10. I have considered the rival submissions and gone through the impugned order and trial court record very carefully.

11. That can be no denial to the fact that it was the complainant and her sister, who had approached the house of the accused. However, merely by approaching the house of the revisionists, they cannot be said to be the aggressors and it is a matter of trial whether there was an intent to provoke or attack the revisionist no.1 or just to confront him for his act of breaking their flower pot. Furthermore, whether it was during a fight and without any intent to disrobe the sister of the complainant, that her clothes were torn, or whether there was any intent to do so is again a matter of trial and at this stage, this defence cannot be considered. Similarly, whether the effect of not mentioning of revisionist no.2 in the original FIR and subsequently levelling allegations against him in statement u/s 164 Cr. PC, can only be decided after a trial. I further find

that the Id. Trial Court has in detail dealt with all the contentions of the revisionists and the defence raised by the revisionists including the defence of alibi by revisionist no.2, are the matter of trial.

12. Considering overall facts and circumstances, I do not find any illegality or infirmity in the impugned order. The revision petition is accordingly dismissed. Copy of this order with TCR be sent to Id. trial court. File be consigned to record room.

Announced in the  
open court on 13.08.2026.

**(PARVEEN SINGH)**  
Addl. Sessions Judge-03, NE Distt.  
Karkardooma Court, Delhi.