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

+ **CRL.M.C. 1963/2025**

MEHAR SINGH AND ORS

.....Petitioners

Through: Mr. Ashish Dutta and Mr. Nishikant Singh, Advocates.

versus

STATE OF NCT OF DELHI AND ANR

.....Respondents

Through: Ms. Shubhi Gupta, APP for the State.
ACP Vijay Kumar Singh and SI Sandeep Dalal, PS Punjabi Bagh.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **25.03.2025**

1. This hearing has been done through hybrid mode.

CRL.M.A. 8862/2025 (exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

CRL.M.C. 1963/2025& CRL.M.A. 8861/2025 (Stay)

3. The present petition under Section 528 of the BNSS (Section 482 of the CrPC) seeks the following prayers: -

“1. Setting aside/Modification the order dated 19.03.2025 directing the registration of FIR under relevant sections within 7 days from the date of order and all the consequential proceedings emanating therefrom, in the interest of justice.

2. Quash the order dated 19.03.2025 directing the registration of FIR under relevant sections within 7 days from the date of order and all the consequential proceedings emanating therefrom, in the interest of justice.

3. Pass any such further order(s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case in favour of the Petitioner.”



4. Learned counsel appearing on behalf of the petitioners submits that the impugned order dated 19.03.2025 was passed by learned Special Court constituted under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, (for short, 'SC/ST Act') without taking into consideration the Action Taken Report (ATR) which was requisitioned for the purposes of considering the application under Section 175(3) of the BNSS. It is further submitted that, in the said inquiry report, it was clearly stated that after recording the statements of neighbours and other persons of locality, it was found that the allegations made by respondent No. 2 herein (Complainant) were incorrect.

5. Learned APP for the State, who appears on advance notice, on instructions from ACP Vijay Kumar Singh, has handed over in Court today a report of the inquiry conducted by way of ATR dated 04.03.2025. The same is taken on record. The relevant portion of the said report read as under: -

“Enquiry Conducted:-

A detailed enquiry into the matter has been conducted and in pursuance of that, I Sumit Tomar as per my directions reached the residence of complainant Sadhna at F-97, F-Block, J.J. Colony, Madipur, Delhi to clarify the dates of events and persons involved in the particular event from the given chain of events. She was also asked to produce any independent witness in support of her version of complaint but she did not answer any of the queries and started misbehaving with him and the female staff accompanying him.

Found her behaviour questionable, enquiry was conducted in the neighbourhood and found that in the society, most of the families living are with SC/ST communities. The alleged families of Kuldeep and Mehar Singh are neighbors of complainant. The complainant Sadhna and her mother Kabuli live there together. There are two brothers of Sadhna who are living on rent from 2010 despite having their own paternal home due to the quarrelsome behaviour of Sadhna. Statements of independent witnesses from the society including one brother of Complainant were recorded who were asked regarding the allegations made by complainant



to the families of Mehar Singh and Kuldeep and they all unequivocally stated that all the allegations made by complainant Sadhna are false and baseless just to harass the alleged persons.

As per the statements of neighbors, the complainant Sadhna and her mother are quarrelsome in nature who have disturbed the peace of the neighborhood by engaging in verbal altercations with neighbors. In their daily routine, both of them sit outside their house and keep on abusing the passersby and the neighbors.

In supporting their claim, three videos captured in the mobile phone of Ms. Anjali D/o Kuldeep were produced and in the videos the complainant and her mother are seen using abusive and offensive language towards female residents of the locality. The language used by the complainant and her mother in these videos is highly inappropriate and demonstrates their quarrelsome behavior. A complaint Dt. 27/12/2023 was also given by Anjali against Complainant Sadhna and her mother Kabuli.

Regarding the allegations of casteism remarks, it is pertinent to mention that most of the individuals interviewed during the enquiry were from SC/ST communities. None of them corroborated the complainant's assertion that any casteist slurs were made ever by Mehar Singh or Kuldeep.

The video recordings of complainant Sadhna and her mother Kabuli were taken in a pendrive through seizure memo alongwith certificate of 63 BSA.

Conclusion:-

From the enquiry conducted, it is evident that the complainant and her mother have a quarrelsome nature. The allegations made against the alleged persons are false, baseless, afterthought and motivated. No cognizable offence has been committed by the alleged persons. The complainant was unable to produce any witness or evidence to support her claims. However, any direction/order passed by the Hon'ble court will be abided by the undersigned."

6. A perusal of the impugned order dated 19.03.2025 shows that the aforesaid report has not been taken into consideration at all by the learned Special Court while passing the impugned order directing registration of the FIR.



7. Issue notice.
8. Learned APP for the State/respondent No.1 accepts notice.
9. Issue notice to respondent No. 2, on petitioners taking necessary steps, through all permissible modes, including electronic mail, if any, returnable on 14.05.2025.
10. Learned APP for the State, on instructions from the concerned ACP, further submits that FIR has not been registered yet.
11. In view of the above circumstances, the direction of registration of the FIR passed by learned Special Court shall remain stayed till the next date of hearing.
12. Copy of the order be sent to the concerned learned Special Court and concerned DCP for necessary information and compliance.
13. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

MARCH 25, 2025/sn

Click here to check corrigendum, if any