

Geeta Kohli Vs Rishi Kohil & Ors.

PS Sarai Rohilla

28.09.2020

Order on Application U/s 156(3) Cr.P.C.

Present: Counsel for the complainant.

Present order shall dispose of an application U/s 156(3) Cr.P.C filed by the complainant which is also accompanied by a complaint u/s 200 crpc.

As per complainant Geeta Kohli she married accused no.3 (Rishi Kohli) in the year 1996 and after few days of marriage accused no.3 and his in-laws and relatives started harassing her physically as well as mentally. It is further mentioned in the complaint that during these years several complaints have been filed against accused no.3 and his relatives in various police stations of Delhi by the complainant and her family members for abusing her, torturing her, demand of dowry etc. It is further mentioned in the complaint that accused no.3 is an alcoholic and never fulfilled any responsibility and on contrary he and his family members have been threatening and forcing the complainant to sell the house where the complainant is currently residing with the sole intention of grabbing the money from the proceeds of sale.

on 21<sup>st</sup> June 2020, ( on the occasion of father's day) accused no.6 commented on a facebook post of son of the complainant. To know why he interfered between father & son, son of the complainant on 21.06.2020 called her at the mobile number.It got disconnected. After some time accused no.7 (Fufajji) called him and started threatening, abusing him etc. he also made serious remarks on character of complainant that she had an affair with a dhaba wala. Further, he even threatened to rape the complainant and her daughter. The recording of this was saved in CD ( which has been placed on record.)

On next day this entire incident was narrated by son of the complainant to the complainant. On the afternoon of 23 June 2020 complainant called several times accused no 6 to know why they are involving his son and leveling such kind of allegations but he did not pick up the phone. After some time complainant called accused no. 7 who once again made similar allegations and threats. Complainant could not understand why they are using such kind of language and in order to clear all doubts the complainant alongwith her daughter on 23<sup>rd</sup> of June 2020 around 6.30 in the evening visited the house of the opposite parties no.6 and 7 at their aforementioned house at Subadhra colony, New Delhi. On reaching there the complainant and her daughter were standing outside their house and requested someone to call opposite party no.6 and 7 down as the complainant and her daughter did not want to go inside their house. In the meanwhile uncle of accused no.7 who was also residing nearby ground floor came out and he started enquiring with the complainant as to what happened. While the complainant was discussing with the uncle the accused no.7 come down and seeing the complainant discussing the matter with his uncle started threatening and abusing the complainant in filthy language and when the complainant asked him why he is using such kind of language against her, he became very aggressive and assaulted the complainant and touched her private parts and then tried to disrobe the complainant by pulling her clothes with clear intentions of outraging her modesty and molested her like a beast in open public. When the complainant objected and tried to get away from him he pulled the complainant by her hair towards the road and the complainant fell down on the ground and then the opposite party no.7 dragged the complainant on the ground with her hair. The opposite party no.7 was simultaneously abusing her in dirty language and was calling her with dirty names like the "randi" "kutiaya" etc. On seeing all this the daughter of complainant tried to save her but suddenly the opposite party

no.7 jumped towards the daughter of the complainant and pulled her towards himself while abusing her in filthy and dirty language. When the daughter of the complainant tried to save herself from the opposite party no.7 he snatched the hair of her daughter. The daughter of the complainant who was having hair bun on her head, the opposite party no.7 pulled that hair bun with his full force and dragged the daughter of the complainant on the road. While he was doing all this the opposite party no.7 was continuously threatening the complainant and her daughter that he will not spare them today and would rape and kill both of them. The opposite party no.7 used so much force to pull the daughter of the complainant from her hair that a large portion of her hair pulled out from the right side of her head and she was thrown on the road..Even after all of this the opposite party no.7 did not stop there and was further trying to force himself over the daughter of the complainant publically on the road. At that time uncle and some neighbours of the opposite parties no.6 & 7 intervened and took the opposite party no.7 and his son to their house. At that moment complainant also tried to call the police at 100 number but the police could not be contacted as all lines to the route were busy. Having no other choice the complainant decided to go back to the police station but then she saw that all four tires of her car have been deflated by Vittal Gulati son of the opposite party no.7 at his instance . complainant was shouting and crying for help but no one came forward. In the meanwhile the younger brother and the cousin of the opposite party no.7 took the complainant and her daughter to their house and made them to sit there over the pretext that they are arranging to refull the air in tires of car of the complainant. In the meanwhile they were constantly pressurizing the complainant and her daughter to not to go to police as it is a family matter. Very soon the opposite party no.3, 4 and 5 also reached the house of the relative of opposite party no.6 and7 where all of them were sitting. However, instead of helping the complainant and her daughter all of them again started abusing the complainant and her

daughter in filthy language and threatened that they would not be sparing the complainant and her children as next time they would get all of them killed in a road accident. Not only this all of them further threatened that they will visit the school of the complainant where she is doing job as a teacher and will defame the complainant in front of her colleagues and students. All of them were pressurizing and threatening the complainant that if she want to save her children and herself, she need to sell her property of the ground floor and second floor in the market and give them money otherwise they would not spare the complainant and her children. All of them pressurized the complainant to agree to sell her property in the market. They were constantly abusing the complainant and her daughter in filthy dirty language and were constantly doing character assassination of the complainant in front of her daughter only. At that point of time the son of the complainant reached and took the complainant back to home.

Action taken report was called from the police.

As per the report after receipt of the complaint of the complainant dated 27.06.2020 enquiries were made and during enquiry it was found that in fact nothing of the sort as alleged by the complainant happened. Infact, on 21.06.2020 when the son of the complainant posted a post on the facebook, respondent no.7 objected to the same and asked son of the complainant not to post such posts. On 23.06.2020 complainant came to the house of respondent no.7 and on that day some altercation had taken place between the parties. It is further mentioned in the report that during the course of enquiry the allegations of the complainant regarding outraging of her modesty or touching her private parts or misbehaving with her daughter could not be substantiated. Finally it is mentioned by the police that complainant did not submitted any electronic evidences/recording in this regard .

I have heard Ld. Counsel for the complainant and perused the record.

The relations between the parties turned sour soon after the marriage. Admittedly, there is litigation between the parties since 1996. However, complainant has not mentioned any other detail of the cases filed by her against the accused person.

It is settled law that u/s 156(3) Code of Criminal Procedure, a magistrate has power to direct the police to register a case and investigate the matter, but this power is to be exercised judiciously and not in a technical manner. In the matters where the complainant has in his possession all the evidence required to prove his allegations, there should be no need to pass an order U/s 156 Code of Criminal Procedure.

From the facts of the case, this court is of the opinion that assistance of investigation agency is not required in the present case for the collection of evidence. The facts and circumstances are within the knowledge of the complainant. She is aware about the identity of each accused. Further, if in future any need arises for police assistance, same can be taken under section 202 Cr.P.C. Accordingly, the present application under section 156 (3) is dismissed. Since the present application U/s 156(3) Cr.P.C stands dismissed therefore another application moved by the complainant demanding vigilance investigation etc and also to transfer the investigation of the present case from PS Sarai Rohilla to other investigating agency is rendered infructuous.

This court takes cognizance of the complaint and complainant is called upon to bring pre-summoning evidence on 13/11/2020.

(Chander Mohan)

MM-04/Central:

Delhi/28.09.2020