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

Date of Decision: 06th March 2025

CRL.M.C. 1624/2013

C SHARMA

.....Petitioner

Through: Petitioner in-person.

versus

NAVDEEP SINGH & ORS.

.....Respondents

Through: Mr. Digam Singh Dagar, APP for the
State.
Mr. Nishant Gautam, CGSC for R-5
& 7

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

J U D G M E N T

ANUP JAIRAM BHAMBHANI J.

By way of the present petition filed under section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') read with Article 227 of the Constitution of India, the petitioner impugns order dated 18.10.2012, whereby the learned Sessions Court was pleased to dismiss the criminal revision petition bearing CR No.483/12 filed by the petitioner challenging order dated 20.09.2012 made by the learned Metropolitan Magistrate in CC No.15/1.

2. By way of order dated 20.09.2012, the learned Magistrate had dismissed the complaint under section 203 of the Cr.P.C., declining to issue summons to the persons arrayed as accused in the said case.



3. It may be clarified, that in her application filed before the learned Magistrate under section 200 of the Cr.P.C., the petitioner had arrayed the following persons as the proposed accused : (1) Yes Associates; (2) Subhash Midha; and (3) Sanjay Duggal.
4. In the revision petition filed before the learned Sessions Court, the petitioner added another respondent namely Navdeep Singh, Advocate.
5. In the present proceedings, the petitioner has omitted Yes Associates as a party but has added the following persons as respondents in the matter : (1) Shri Mukesh Tokas; (2) Home Secretary, Ministry of Home, North Block, N Delhi; (3) S.H.O. Police Thana Sector 16B, Dwarka North, Sector 16B, New Delhi; and (4) Minister for Agriculture & Food, Union of India, Krishi Bhavan, N.D., for Food and Agriculture Ministry.
6. The court has heard Ms. Charumati Sharma, the petitioner who appears in-person; Mr. Digam Singh Dagar, learned APP appearing for respondent No.6/State; as well as Mr. Nishant Gautam, learned CGSC appearing on behalf of respondents Nos. 5 and 7 (Home Secretary, Ministry of Home and *Minister* for Food & Agriculture, Union of India, Krishi Bhavan, Food and Agriculture Ministry).
7. It may be observed at the outset, that both the learned Magistrate as well as the learned Sessions Court have dismissed the petitioner's case observing that her submissions, as well as the evidence cited in support thereof, are *ex-facie* improbable and unbelievable; and that no case is made-out for summoning of any of the accused persons. In its order, the learned Sessions Court has also expressed that it was



“Reserving my comments on the psychological state of the complainant

8. In impugned order dated 18.10.2012 passed by the learned Sessions Court, the court has set-out *in-extenso* the “relevant portion” of the petitioner’s testimony recorded at the stage of pre-summoning evidence before the learned Magistrate. To set-out the petitioner’s “case”, it would be best to extract those portions of the petitioner’s testimony :

“After some time, the said man pulled out three more revolvers fully loaded and brought one fully loaded machine gun. In the meantime, I told that man not to kill me being an unknown person and tried to persuade the Chowkidar to open the gate and let me inside the apartment. The Chowkidar in order to save the life of other persons of the apartment, did not open the gate. I was dodging the bullets fire in order to save my life but four bullets hit my head one after one and blood started oozing out from my right temple. I fell unconscious on the shoulder of assailant and recovered quickly. The said man loosen his grip meanwhile, I ran towards the road. He chased me and I dialed No. 100 through my mobile while running. The man caught me from my neck and I fell down backwards. The said man fell upon me. He unzipped my trouser. He had already unzipped his and even I resisted he even forces his penis four times. I rejected it four times. On fifth time, he ejaculated in his own pants. During this period, police mobile van sighted us two times and came at the spot. I kept on dialing no. 100 from my mobile no. 9871135154. The Police official came at the spot and left the place without getting down from the vehicle.

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“I was having some homeopathic medicine in the pocket of my trouser and I picked up and put it in my mouth. After that I felt drowsy and I thought better to feign death to avoid further assault. After that they removed my body and put it on the bushes in front of the DDA Pumping station with my head lower than my body, so that the blood keeps flowing out and they fired directly at my hip



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with the same revolver and tried to get the medicines from my shirt pocket. I pushed his hand away aware of molestation only and he shot many others bullets on me. In all, I must have been shot with 25 bullets on my person. Then I again feign death so that they stop. They left me alone and then I took some more medicines and then I gain consciousness and the pump man of the DDA Pump station, inquired if I was able to walk so I confirmed and asked to be helped to the gate.

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“Then in between I kept struggling in out of consciousness as I struggled to get up and walk away.

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“Sanjay Duggal came in his own car make Toyota but I do not remember of the registration number. At the spot, I called his name and asked for help but he pulled out a revolver and walked directly towards me. I tried to escape myself by pulling myself away from the center. He came pointed the revolver on my head.

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“another man who was sitting in the bush, he shot him directly, first went passed his shoulder, second bullet hit him in his heart and the man got up, picked up his mobile and called somebody. Then Mr. Duggal shot him in his shoulder and the said man slumped.

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“I had already taken ‘Arnica 30’ homeopathic medicine for healing injuries during the month preceding the injuries and during the struggle I had taken ‘Silicea 30’ for tissue repair and therefore, the bullets came out from the head, heart and from my hand and I healed slowly. I regained consciousness after half an hour and went home. I was still bleeding from the head and I applied ‘haldi’ and resisting eating anything till the next afternoon. I had wrapped a towel around my head and had gone to sleep lying on my back in order to heal myself. I got up around 2’O clock at the night and saw that the blood was still coming out from my head any the bedsheet etc. were all drenched in blood. Then I took ‘calendular Q Inmother Tincture’ and applied it to the wounds and went to sleep. In the morning the blood had slowed down but it was



still oozing. At 4'O clock in the morning, I dialed no. 100 again four times but no one responded. I again called at 9'O clock but nobody responded. Then I went to the homeopathic store and then bought one bottle of 'Calendular 30' and I took four drops of the same on the same day. I did not visit any hospital or doctor or surgeon and not even a homeopathic practitioner and I came to the Court on the next day in a rickshaw i.e. 04.12.2009. The MM Sh. Vishal Gogne was on leave and I went to the court of Sh. M. Khurana, Id. Link MM and I was asked to come on 4.1.2010.

On 13.12.2009, I had went to Bhounik Poly Clinic, 108, Vikas Suya Galaxy, Sector-4, Dwarka and got myself examined but I do not have the medical record as the same have been lost. My doctor advised me to undergo 'CAT scan' and also advised me continue to take homeopathic medicines. All my wounds have healed pursuant to homeopathic medicine such as 'Calendular 30, Silicea 30, Arnica 200'. Now even the scars are not clearly visible. I threw all the bullets and I don't have any of them."

9. Clearly, no comments are required from this court in relation to the petitioner's testimony as set-out above.
10. That being so, the learned Sessions Court records that complaint dated 03.11.2009 initially filed by the petitioner seeking certain directions to the police does not even contain the allegations made by her in the course of her pre-summoning evidence.
11. In light of what the petitioner had tendered by way of pre-summoning evidence, the learned Sessions Court was pleased to observe as follows:

"7. A bare perusal of the aforesaid deposition of petitioner before the trial court would reveal that the trial court was absolutely correct in observing that the allegations of the petitioner are patently absurd and improbable. Petitioner claims to have been shot by bullets 25 times and still she survived by taking some ayurvedic medicines pills. She did not go to a doctor. She did not visit any hospital and she did not undergo any surgery at all.



“8. It is simply unbelievable that a person who has received 25 bullet injuries would remain conscious so as to walk back to her home, bleeding all the way and then have a good sleep throughout the night, it seems like a fairy tale that the bullets lodged in her head & hands had come out of their own merely on account of petitioner consuming of couple of homeopathic tablets. If the story of the petitioner is to be believed, the bullets may have been embedded deep in her heart, head and other parts as she was shot at a very close range. It would not have been possible to survive such a murderous assault and to take out the bullets without a series of surgeries.”

12. After discussing the legal position as to whether the learned Magistrate was obliged to issue summons to the accused persons when no sufficient grounds were found to exist for proceeding further with the complaint, the learned Sessions Court has drawn support from the following judgment of the Supreme Court :

Smt Nagawwa vs. Veeranna Shivalingappa Konjalgi & Ors.¹

“... .. It is true that in coming to a decision as to whether a process should be issued the Magistrate can take into consideration inherent improbabilities appearing on the face of the complaint or in the evidence led by the complainant in-support of the allegations Thus it may be safely held that in the following cases an order of the Magistrate issuing process against the accused can be quashed or set aside:

(1) where the allegations made in the complaint or the statements of the witnesses recorded in support of the same taken at their face value make out absolutely no case against the accused or the complaint does not disclose the essential ingredients of an offence which is alleged against the accused;

(2) where the allegations made in the complaint are patently absurd and inherently improbable so that no prudent

¹ AIR 1976 SC 1947



person can ever reach a conclusion that there is sufficient ground for proceeding against the accused;

(3) where the discretion exercised by the Magistrate in issuing process is capricious and arbitrary having been based either on no evidence or on materials which are wholly irrelevant or inadmissible; and

(4) where the complaint suffers from fundamental legal defects, such as, want of sanction, or absence of a complaint by legally competent authority and the like.

The cases mentioned by us are purely illustrative and provide sufficient guidelines to indicate contingencies where the High Court can quash proceedings.”

(emphasis supplied)

13. Based on the aforesaid discussion, the learned Sessions Court has come to the following conclusion :

“15. Upon consideration of the allegations made in the complaint by the petitioner and her deposition as CW-1, it cannot be said that sufficient ground has been made out for summoning the accused. The testimony of the petitioner is replete with absurdities, improbabilities and imaginary allegations. No prudent person would say that it discloses sufficient grounds for summoning the accused.”

Whereupon the learned Sessions Court has proceeded to dismiss the revision petition filed by the petitioner.

14. The court has patiently heard the petitioner and has considered her submissions on 14.10.2024 and then again on 06.02.2025.
15. Regrettably however, this court is unable to discern any coherence or cogency in the submissions made by the petitioner, much less has this court found any reason to fault the dismissal of the complaint by the learned Magistrate *vide* order dated 20.09.2012; and the dismissal of the revision petition by the learned Sessions Court *vide* order dated 18.10.2012.



16. Accordingly, this court finds no reason to interfere with impugned order dated 18.10.2012 passed by the learned Sessions Court in CR No. 483/12 or order dated 20.09.2012 made by the learned Magistrate in CC No.15/1.
17. The petition is accordingly dismissed.
18. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J.

MARCH 06, 2025

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