



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

% **Reserved on: 17th March, 2026**
Pronounced on: 05th May, 2026

+ **CRL.M.C. 2275/2017**

1. **MONIKA AGGARWAL**
D/o Shri Sri Krishan Goel
2. **SHRI SRI KRISHAN GOEL**
S/o Late Shri Suraj Bhan Goel,
3. **CHETAN GOEL**
S/o Sri Krishan Goel

All Residents of:
 E-41, Mansarovar Garden,
 West Delhi, Delhi -110015

.....Appellants

Through: Mr. Satish Tamta, Sr. Advocate with
 Mr. Shariq Iqbal, Ms. Manavi Joshi
 and Ms. Sonika Rathore, Advocates

versus

1. **THE STATE [GOVT. OF N.C.T.] OF DELHI**
2. **ROHIT NAGPAL**
S/o Late Shri KL Nagpal
R/o H-452, New Rajinder Nagar,
3. **ARUN RENU**
S/o Sh. Himachal Singh
Chamber No. 73-74A,
Western Wing, Tis Hazari Courts
4. **DILIP RANA**
S/o Sh. Bishamber Singh,
Chamber No. L-24, Rathi Block
Tis Hazari Courts

.....Respondents

Through: Mr. Vikram Singh Panwar and



Mr. Neeraj Maurya, Advs. for R-3
and R-4

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Petition under *Section 482 of the Code of Criminal Procedure, 1973* (*Hereinafter referred to as 'Cr.P.C.'*) read with *Article 227 of Constitution of India* has been filed by the Petitioners / Complainant and victims challenge the Judgment dated 02.03.2017 whereby the learned Special Judge, Delhi had **dismissed** the **Appeal** preferred by the *Petitioners/Complainants* against the Judgment dated 26.12.2016 of ld. MM **acquitting the Respondents under Sections 325/506 of the Indian Penal Code, 1860** (*hereinafter referred to as 'IPC'*). The Appellants/victims have also challenged and Order on Sentence dated 27.01.2017 wherein Ld. MM, while had convicted them under S.323/341/34 IPC IPC and released them on probation.
2. **Facts as stated in the charge-sheet** are that on 28.01.2010, the Dr. Monika Aggarwal-Petitioner No. 1 along with her father Krishan Goel - Petitioner No. 2 and her brother Chetan Goel - Petitioner No. 3, had come to Tis Hazari Courts to attend the case pertaining to matrimonial dispute pending in Court No. 145. The Bar was on strike on that day and the matter was adjourned to 05.02.2010. *Respondent No. 2 Rohit Nagpal* was a close friend of her husband, Ashish Aggarwal.
3. Soon after attending the Court proceeding, as the Petitioners came out of the Court room, Respondent No. 2 Rohit Nagpal had a verbal altercation



with the Petitioners and threatened that he would obtain a divorce for Ashish, without paying any alimony. Respondent No. 2 being a lawyer took advantage of the strike and he along with his associate lawyers including Respondent No. 3 Arun Renu and Respondent No. 4 Dilip Rana, abused and gave beatings to Petitioners No. 2 and 3. Petitioner No. 2 made a complaint to the Police against Respondent No. 2, along with Respondent No. 3 and 4, who were Vice President and Additional Secretary of Bar Association of Delhi, respectively, at that time.

4. A PCR call was recorded by Ct. Dharmender as DD No. 20 and was marked to SI Jagdish, who, along with HC Raj Bahadu and Ct. Arvind, reached the spot. The Petitioners No. 1 and 2 filed their separate written complaints. Advocate Anju Dixit representing the Complainant, also made a complaint to SI Jagdish Yadav.

5. The Petitioners No. 2 and 3 were both injured and were medically examined at Hindu Rao Hospital, Delhi *vide* MLC Nos. 662/10 and 665/10 with Report “*under observation*,” which was kept pending for the final medical opinion.

6. On the same day, *Respondent No. 2 Rohit Nagpal filed a Complaint* leveling counter allegations against the Petitioners and another FIR No. 29/10, P.S. Subzi Mandi, was registered against the Petitioners, about having given beatings to Rohit Nagpal and having snatched gold chain, pen, *etc.* **A Cancellation Report has been filed in this case.**

7. On 12.02.2010, the IO collected the MLC of Petitioner No. 2 wherein the Doctor opined the injury as “*grievous*”. IO made an endorsement on the Complaint and FIR No. 45/10 under *Sections 323/325/342/506 IPC*, P.S. Subzi Mandi was registered, against the Respondents No. 2, 3 and 4. On



completion of the investigations, Chargesheet against the Respondents No. 2, 3 and 4 for the offenses under S. 342/325/323/506 IPC, was filed. **The charges were framed accordingly, against the three Respondents.**

8. During the trial, *Krishan Goel and Chetan Goel* appeared as PW2 & PW3 respectively and corroborated their case. **PW4** Gudiya, Clerk to Ms. Anju Dixit, Advocate, **PW5** Anju Dixit, Advocate, **PW6** Sanjay Dhar, Ahlmad in the Court, **PW7 Lalit Kumar, Ahlmad** examined by the Prosecution.

9. The medical evidence was led by **PW8 Dr. G.B.S. Kohli, CMO, Department of Orthopedics**, who opined that “*the patient had sustained injury in middle finger of left hand which was grievous injury.*”

10. **PW9 Dr. Jatinder Kaur**, opined the nature of injury suffered by Chetan Goel as *simple*.

11. The learned MM *vide* judgment dated 26.12.2016 **convicted the Respondents for the offences under Sections 323/341/34 IPC** while acquitting them for the offences under S.325/506 IPC. The Respondents were sentenced and released on probation under *Section 4 of the Probation of Offenders Act, 1958*, vide Order on sentence dated 27.01.2017.

12. The Petitioners being the **Complainant / Victims filed the Appeal bearing CA No. 41/17 on 21.02.2017** in the Court of Principal District and Sessions Judge under **Section 372 Cr.P.C. challenging the acquittal of the respondents, under S.325/506 IPC and lesser sentence for the offence under S. 323/341/34 IPC.**

13. The learned Special Judge, Delhi dismissed the Appeal *vide* Judgment dated 02.03.2017.



14. The Respondents No. 3 and 4 had also preferred an ***Appeal No. 03/17 on 25.03.2017 against the Judgment dated 26.12.2016 and Order on sentence dated 27.01.2017 of the learned MM*** in regard to their conviction for the offences **under Sections 323/341/34 IPC**. Their criminal Appeal was dismissed as withdrawn in the Court of learned Special Judge, *vide* Order dated 09.05.2017.

15. Aggrieved by the **Judgment dated 02.03.2017**, upholding the Judgment of acquittal by learned MM, it has been **challenged on the grounds** that the acquittal of Respondents No. 2 to 4 for the offence under *Section 325 IPC*, is contrary to law and facts.

16. The learned Trial Court has grossly erred in observing that Prosecution had not proved the grievous injury. The X-ray Film Ex.PW11/A and X-ray Report Ex.PW11/B has not been considered, even though testified by PW11 Dr. P.K. Jain and PW8 Dr. D.B.S. Kohli. The Respondents No. 2 to 4 are guilty of the offence punishable under *Section 325 IPC* on the basis of evidence and the medical record, which was proved beyond a shadow of doubt.

17. Petitioners and other victims had been injured and deeply traumatized by the incident, which was highly prejudicial and they were emotionally impacted by the Judgment.

18. Likewise, Respondent No. 2 has been erroneously acquitted for the offence under *Section 506 IPC*, and the acquittal for the offences is based on presumption, conjectures and surmises. Reliance is placed on *Amitabh Adar and Another v. NCT of Delhi and Another*.

19. It is further asserted that the release of Respondents No. 2 to 4 on Probation under *Section 4 of the Probation of Offenders Act, 1958 for the*



offences under S. 323/341/34 IPC , by considering their plea that they were Advocates by profession earning Rs.40,000 - 50,000/- per month, each and has families comprising of parents, wife, and children and they were the only earning members in their respective families, was erroneous. The Respondents No. 2 to 4 are influential persons and have misused their powers and position as an Advocate, Additional Secretary, and Vice President, respectively of Delhi Bar Association.

20. Hence, the prayer is made that the impugned judgment dated 02.03.2017 in Criminal Appeal No. 41/2017 be set aside and that the Respondents No. 2 to 4 be convicted under *Section 325 IPC* and Respondent No. 2 may be additionally convicted under *Section 506 IPC* and they all may be granted maximum substantive imprisonment and fine for the offence under *S. 323/341/34 IPC*.

Submissions heard and record perused.

21. As per the Prosecution, an incident of fight and altercation took place on 28.01.2010, between the Petitioners and the Respondents while they all had come to attend a matrimonial case at about 10:45 AM. The cross FIRs were registered. Though, the FIR No. 29/10, P.S. Subzi Mandi, was registered at the instance of the Respondents, it met with a ***Cancellation Report***.

22. The trial was conducted in chargesheet filed in FIR No. 45/2010 registered on the Complaint of the Appellant, Monika Aggarwal. The learned Trial Court on appreciation of the evidence of all the Prosecution witnesses, concluded that the Petitioners had sustained injuries in the fight and the PW1 Monika Aggarwal while deposing about the altercation, had proved her Complaint dated 05.11.2010 Ex.PW1/A1. Her testimony was



corroborated by PW2 Krishan Goel who deposed that he suffered a fracture in his finger due to the assault. PW3 Chetan Goel deposed that he had suffered injuries on his nose and mouth. These three Prosecution witnesses with their consistent evidence proved having suffered injuries in the altercation.

23. The main question was *to ascertain the nature of injury*. Prosecution had examined **PW8 Dr. G.B.S. Kohli**, who had deposed that on 28.01.2010, Shri Krishan Goel was brought in the casualty with the alleged history of assault. He was examined and referred to EMO. *MLC Ex. PW8/A was prepared by Dr. Ajay Bansal*. The injury had been sustained in the middle finger of left hand and he had opined that injury as *grievous*.

24. **PW9 Dr. Jitender Kaur**, had examined PW3 Chetan Goel and had prepared MLC Ex. PW9/A, wherein the injury on Chetan was opined as *simple* in nature.

25. **PW10 K.V. Singh, Medical Record Clerk**, had produced the original record of MLC No. 66/10 Ex.PW10/A of Krishan Goel and had identified the signatures of Dr. Ajay Bansal on the MLC. He also produced MLC No. 665/10 Ex. PW10/B of Chetan Goel and identified the signatures of Dr. M.L. Vishwakarma.

26. **PW11 Dr. P.K. Jain, HOD, Radiology**, proved the X-Ray films Ex.PW11/A and PW11/B.

27. The learned MM referred to these medical records and observed that the MLCs had been exhibited by a Medical Record Clerk, who was not the author of the MLC. Ld.MM further held that the **PW10 K.V. Singh**, who had been working in the hospital for more than 25 years, must have come across many MLCs prepared by Doctors, who have also authored the MLC



Ex. PW10/A and PW10/B. There was no question put to challenge his acquaintance with the handwriting of Dr. Vishwakarma and Dr. Ajay Bansal. It was clarified that both the Doctors who had prepared the MLC, had left the service of the hospital and their whereabouts were not known.

28. The learned MM, therefore, held that the genuineness of the MLCs Ex.PW10/A and PW10/B was fully established. However, reliance was placed on Chander Dev Rai v. State, wherein it was held that the MLC proved by a Clerk affects the probative value of the medical record.

29. Further, PW11 P.K. Jain had proved the X-ray Report and the Film, but he was not the author of radiology record. He clarified in his testimony that the envelope of X-ray films Ex.PW11/A bears the MLC No. 662/2010 *vide* which Krishan Goel was examined. He further stated that the name of the patient is never mentioned on the X-ray film, but the MLC number is indicated on the envelope of X-Ray film, which is sufficient to connect it to the patient.

30. PW8 Dr. G.B.S. Kohli, CMO, who had opined the nature of injury as *grievous*, deposed that he would have opined about the nature of injury on the basis of Report Ex.PW11/B. He during the cross-examination, stated that it was possible that a fracture in the middle finger of a person aged 50 years might occur, if somebody tries to free himself from a grip forcibly. PW8 Dr. Kohli did not utter that he had advised X-ray in the MLC or provided treatment. He merely stated that he had examined the patient who had fracture in the left finger of the left hand and opined that the nature of injury is *grievous*, but has not spoken about X-ray.

31. The learned MM, noted that the X-ray Reports had not been filed along with the Chargesheet and were produced by the Department of



Radiology after five years and thus, it would not be safe to rely on these documents. *It was therefore, concluded that the nature of injury suffered by Krishan Goel, cannot be held to have been proved as grievous injury. Consequently, the offence of Section 325 IPC was held to have not been made out and the conviction was made under Section 323 IPC.*

32. In regard to the charges of Section 506 IPC against Rohit Nagpal, it was observed that the threat allegedly extended to the Complainant was, “*if she came again in the court, she is in the court again, she would not be spared.*” Reliance was placed on Amitabh Ahar (supra) to conclude that the alleged threat did not constitute an offence under Section 506 IPC and **the Respondent No. 2 Rohit Nagpal was accordingly acquitted under Section 506 IPC.**

33. The learned ASJ in the judgment dated 02.03.2017 considered the challenge to the acquittal under Sections 325/34 IPC. It was held that PW2 Krishan Goel while claiming that he had suffered fracture of his finger, did not state who had caused the fracture. He did not name any accused person. As per the MLC, injuries were caused by blunt weapon. PW5 Insp. Joginder Yadav in his statement stated that Krishan Goel had stated that Rohit Nagpal had twisted his hand. On perusal of the record, PW5 stated that it was not so recorded, initially that Rohit Nagpal had twisted his hand. The ld. ASJ concurred with the ld. MM in regard to the medical evidence. It was noted that PW11 Dr. P.K. Jain, who had placed X-ray films Ex.PW11/A and X-ray Report Ex.PW11/B on record, but these documents had not been filed by the IO along with the Chargesheet. Moreover, this X-ray had not been connected by PW1 admittedly. The name of the patient or MLC number was not mentioned on the X-ray Report.



34. The Constable has not been examined and number of X-ray register mentioned on the Report as 373/28.1.10, has not been produced by the Prosecution to show that PW2 Krishan Goel was indeed examined on 28.01.2010 in connection with the MLC in question. The X-ray Report had not been proved beyond the shadow of doubt. Furthermore, PW11 stated that X-rays are conducted by Radiologist/Technician after the patient's identification by the IO. It was thus, concluded that the prosecution failed to prove as to who was the Police official mentioned in X-ray Report Ex.PW11/B, who identified the patient.

35. **It was thus, held that the learned MM had rightly convicted the Petitioners under Section 323 IPC and not Section 325 IPC.** Likewise, the conclusions of the learned MM for holding that no offence under *Section 506 IPC* was made out against Respondent No. 2 Rohit Nagpal, was **upheld**.

36. From the appreciation of the evidence by the learned MM and confirmed by the learned ASJ, it emerges that while the MLCs were prepared by Dr. Ajay Bansal and Dr. Vishwakarma, these two Doctors were not available in the hospital, and the MLCs had merely been exhibited by the Record Clerk. *It is a settled proposition of law that the Record Clerk who identifies the signature on MLC, may be a witness to prove the factum of preparation of MLC, but is not competent to prove the contents thereof.*

37. The **next relevant aspect** is the X-ray Report and the X-ray films that had been produced by PW11. However, as rightly observed that these documents had not been filed along with the Chargesheet, but have been produced after five long years during the evidence. Moreover, the X-ray Report and the film had been prepared by a Radiologist, who had not been examined.



38. In the light of these aspects, the learned MM as well as learned ASJ had *rightly given the benefit to the accused persons* and held that the conviction under *Section 325 IPC* was not sustainable while they were only convicted under *Section 323 IPC*.

39. There is ***no infirmity*** in the acquittal of the Respondents under *Section 325 IPC* and the ***facts do not merit any interference***.

40. The **second aspect** of the acquittal of Rohit Nagpal under *Section 506 IPC*. The only allegation against him was that he had stated, *“if she came again in the court, she is in the court again, she would not be spared.”*

41. **For the better understanding of S.506 IPC** which deals with criminal Intimidation, is reproduced as under:

“506. Punishment for criminal intimidation.—

Whoever commits, the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

If threat be to cause death or grievous hurt, etc.—
And if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years, or to impute, unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.”

42. From a bare perusal of *Section 506 IPC* read with the definition of “criminal intimidation” in *Section 503 IPC*, it is clear that the prosecution must establish a threat to cause injury to the person, reputation or property



of the complainant or of a person in whom she is interested, and that such threat was made with the intent to cause alarm to the complainant, or to compel her to do an act which she is not legally bound to do or to omit an act which she is legally entitled to do, as a means of avoiding execution of the threat.

43. The Supreme Court in Manik Taneja v. State of Karnataka (2015) 7 SCC 423, while quashing an FIR under Sections 503/506 IPC based on critical Facebook posts against a police officer, held that “*mere expression of any words without any intention to cause alarm would not be sufficient*” to attract Sections 503 and 506 IPC, and that material must exist to show an intention to cause such alarm.

44. Likewise, in Madhushree Datta v. State of Karnataka (2025) 3 SCC 612, the Court reiterated that there must be a clear act of threatening injury coupled with an intention to cause alarm; where the gravamen is essentially a civil/employment dispute and the alleged “threat” is only to insist on resignation or consequences in service, the ingredients of Section 506 are not made out.

45. Further, in Prashant v. State (NCT of Delhi) (2025) 5 SCC 764, dealing with an FIR under Sections 376(2)(n) and 506 IPC arising out of a consensual relationship, the Supreme Court again emphasised that the threat contemplated by Section 503 must be of such a nature, and given in such circumstances, as to amount to criminal intimidation, and quashed the proceedings holding that no case under Section 506 was disclosed on the facts.

46. Similarly, this principle has consistently been followed by this Court in Amitabh Adhar (Supra), wherein it was held that where the words



attributed to the accused do not disclose any specific threat of injury, nor an intention to cause alarm, the offence of criminal intimidation is not made out and the charge under Section 506 IPC cannot be sustained.

47. A meaningful reading of the above decisions makes it clear that vague, general or indeterminate remarks, or expressions of anger or displeasure in the heat of the moment, which neither specify the nature of the injury threatened nor are shown to have actually caused alarm or coerced the complainant into altering her lawful conduct, fall short of the statutory threshold for criminal intimidation under Sections 503/506 IPC.

48. In the present case, the sole allegation against Respondent No. 2 is that he told the complainant that *“if she came again in the court, she would not be spared.”* This statement does not indicate what injury to her person, reputation or property was contemplated, nor is there any material to show that it in fact, caused such alarm as to overbear her will or to deter her from pursuing her legal remedies; it is, at best, a vague and unspecific outburst in the course of an altercation in the court premises.

49. Applying the aforesaid principles, it can be concluded that such an indeterminate remark cannot be elevated to a criminally intimidatory threat within the meaning of Sections 503 and the consequent acquittal for the offence under 506 IPC.

50. Consequently, **there is no infirmity in the Impugned Judgment** of acquittal under S.325/S.506 IPC, passed by the Ld. MM and the Ld. ASJ.

51. Another grievance of the Appellants is that the respondents have been given a lenient sentence under S.323/S.341 IPC.

52. Learned MM, *vide* Impugned Order on sentence dated 27.01.2017, had duly considered that all three Respondents were Advocates. Essentially,



the dispute was matrimonial dispute *inter se* Complainant, her husband and Respondents were associates of Counsel for the Respondents and it was spontaneous fight, which occurred after the attending of the Court.

53. It cannot be overlooked that the incident is of 2010, while today we are in 2026 and there is no Complaint of the Respondents having committed breach of bond of peace and good conduct or have been involved in any such similar matter.

54. Learned MM has detailed the circumstances, wherein the Probation was considered as appropriate punishment, and it has been rightly awarded to the Respondents.

55. There is **no infirmity in the sentence** and the circumstances do not warrant enhancement of sentence.

56. Thus, there is **no merit** in the present Petition, which is hereby **dismissed**. Pending Applications, if any, also stands **disposed** of.

(NEENA BANSAL KRISHNA)
JUDGE

MAY 05, 2026

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