

**IN THE COURT OF SH. HARJOT SINGH AUJLA JMFC-11 (SOUTH-
WEST) DWARKA COURTS: DELHI**

State	Vs	Vikrant Grewal @ Vikky	
FIR No	:	295/2021	
U/s	:	506/509 IPC	
P.S	:	Janakpuri	

1. CNR No. of the Case : DLSW02-055453-2021
2. Date of commission of offence : 06.06.2021
3. Date of institution of the case 18.11.2021
4. Name of the complainant 
5. Name of accused, parentage & address 
6. Offence complained of 506/509 IPC
7. Plea of the accused Pleaded not guilty
8. Final order Conviction
9. Date of final order 15.07.2025

*Argued by: - Mr. Pankaj Gulia, Ld. APP for the State
Sh. Amit Chauhan, Ld. Counsel for accused.*

JUDGMENT

BRIEF STATEMENT OF REASONS FOR THE DECISION:

FACTUAL MATRIX-

1. Briefly stated, the case of the prosecution is that on 06.06.2021, at WZ 20, Nangli Zalib Janakpuri, New Delhi, accused Vikrant Grewal @ Vikky

abused the complainant by using abusive / filthy language insulting her modesty and also threatened to rape her and thereby committed the offences punishable under Sections 506/509 IPC for which FIR no. 295/2021 was registered at the police station Janakpuri, New Delhi.

INVESTIGATION, APPEARANCE OF ACCUSED AND CHARGE

2. After registration of the FIR, the Investigating Officer (hereinafter, “IO”) undertook investigation and on culmination of the same, the charge-sheet against the accused was filed. The court took the cognizance against the accused and summons were issued to the accused. On his appearance, a copy of the charge-sheet was supplied to accused in terms of section 207 of the Code of Criminal Procedure, 1973 (hereinafter, “CrPC”) (now section 230 BNSS). On finding a prima facie case against the accused, charge under Sections 506/509 of IPC was framed against accused on 10.02.2023. The accused pleaded not guilty and claimed trial.

PROSECUTION EVIDENCE

3. During the trial, prosecution led the following oral and documentary evidence against the accused to prove its case beyond reasonable doubt: -

ORAL EVIDENCE

PW-1	Ms. Subina Sharma
PW-2	SI Parmila

DOCUMENTARY EVIDENCE

Ex. PW 1/A	Complaint
Ex. PW 1/B	Statement u/s 164 Cr.P.C
Ex. PW 1/C	Seizure memo of WhatsApp messages
Ex. PW 1/E	Certificate u/s 65B Indian Evidence Act
Mark X	Photocopy of WhatsApp messages
Ex.PW2/A	Notice under Section 91 Cr.P.C
Ex.PW2/B	Arrest memo

4. To prove its case, prosecution examined the following witnesses, the same are as follows:

PROSECUTION WITNESSES

5. Prosecution examined **Ms. Sabina Sharma** as **PW1**. Her version is reproduced as under:-

“In year 2021 I was residing at WZ-20 Nangli Jalib, Janakpuri, on rented house alongwith my husband. At that time my husband and my daughter were residing with me in my family. Accused Vikrant Grewal @ Vikky was residing in next gali of my house (witness correctly identify the accused). Age of my daughter at that time was 3 year six month old. Prior to one month of my complaint to Police, accused called me on my mobile phone and threatened me to open the door and if you do not open the door, he will do sexual assault with me. Accused used the particular word that "Darwaja Khool de mujhe tere saath sex karna hai". I got switch off my mobile phone after hearing the said threatening from the accused on mobile phone. After some time accused came at my residence and started to knocking the door at forcefully manner. He was also pushing the door but I Have closed the door from the inside and also holding the door to control the push of door. When I did not open the door, accused left the house. After that incident accused again called me after 10-15 days and again threatened me that "Darwaja Khol de nahi to tere saath accha nahi hoga tujhe goli mar dunga". After call, accused again came at my residence but I did not open the door. Whenever I use to go the General Shop Store, accused use to comment in filthy language to me. He stated in his comment "Randi tujhe mai bataunga bahut samajhdar apne to samajahti hai". Due to scare I close myself in room. Once accused instigate a person to through brick on me, consequently said person also thrown brick on me, at that time I was carrying my daughter.

Fortunately, I got saved myself by going back side. Accused was habit to harass me many times whenever I use to sit in Gali. Thereafter at the third time i.e. after 7-10 days accused came to my residence and inflicted knife on wooden door of my room. Accused threatened me at that time "Randi Darwaja Khol de nahi to mai tujhe chodunga nahi". I did not open the door and call to the police at the 100 Number. Police official of 100 number came at my residence and accused fled from the spot. Police Officials also came at my residence and asked me to give written complaint My complaint was written by one known aunty who was residing near to my house and I was working as maid in her house. I gave my written complaint to the Police. Complaint is Ex. as PWI/A bearing my signature at point 'A'. Police had taken against the accused. I was brought in the court by the Police where my statement was recorded u/s 164 Cr. Pc. through online mode. Statement is Ex. PW 1/B bearing my signature at point 'A'. I had stated above mentioned facts in my statement u/s. 164 Cr. Pc. I have given 3 SMS dated 06.06.2021 and 3 messages dated 13.06.2021 received to me from mobile no. 9319348611. Police had seized those messages vide seizure memo Ex. PWI/C bearing signature at point 'A'. At this stage the photocopy of the messages available on record are shown to witness and same is correctly identified. Same is mark 'X'. I also issued a certificate u/s 65 B Indian Evidence Act of giving mobile messages to the Police. Same is Ex. PWI/E bearing my signature at-point A'. At that time I was using mobile number 8826194101”.

6. Prosecution examined **SI Parmila** as **PW2**. Her version is reproduced as under:-

“On 10.06.2021, I was posted as SI at PS Janakpuri. On that day, I was marked a complaint by SHO PS Janakpuri. I called the complainant Sabina Sharma to the PS and she came to the PS on 14.06.2021. I registered a case on the said complaint already Ex.PW1/A. Thereafter, while conducting

investigation I served notice under Section 91 CrPC on 14.06.2021 on the complainant to submit the relevant documents and evidence. Notice is Ex.PW2/A bearing my signature at point A. Thereafter, I seized screen shots of the messages sent by accused to the complainant which were submitted by the complainant and same were seized vide seizure memo already Ex.PW1/C bearing my signature at point B. Thereafter, I got the statement of the complainant under Section 164 CrPC recorded which is already Ex.PW1/B. On 07.07.2021, I arrested the accused vide memo Ex.PW2/B bearing my signature at point A. Thereafter, I personally searched the accused vide memo Ex.PW2/C bearing my signature at point A. I also obtained CDR of the accused and the complainant which is already Ex.P6. Thereafter, I prepared the charge-sheet and filed the same in court". The witness correctly identified the accused.

7. Vide separate statement recorded under Section 294 Cr.P.C, accused admitted FIR No. 295/2021 as Ex.P1, Certificate u/s 65B Indian Evidence Act as Ex.P2, Endorsement on rukka as Ex.P3, Statement u/s 164 Cr.P.C recorded by Ld. MM Sh. Shubham Devadiya as Ex.P4, CDR and CAF of mobile no. 9319348611 and 8826194101 as Ex.P5 to Ex.P8 and Certificate u/s 65B of Indian Evidence Act issued by Nodal Officer Bharti Airtel as Ex.P9. Hence, the above documents were ordered to be read in evidence without their formal proof.

STATEMENT OF THE ACCUSED AND DEFENCE EVIDENCE

8. Thereafter, before the start of defence evidence in order to allow the accused to personally explain the incriminating circumstances appearing in evidence against him, the statement of the accused was recorded on 07.12.2023 without oath under section 281 r/w 313 CrPC, wherein he has stated that he is innocent and has falsely been implicated in the present case. He further stated that he does not want to lead defence evidence. However, he examined himself as defence witness by moving the appropriate application .

DEFENCE EVIDENCE

9. Accused Vikrant Grewal @ Vikky S/o Randhir Singh examined himself as DW-1. His version is reproduced as under:-

“I do not remember the exact date of incident but the incident pertains to either September/October, 2021. Complainant Sabina Sharma was tenant at the house of my uncle namely, Naveen Grewal. That the complainant was not paying the rent on time and I alongwith my cousin namely, Sahil Grewal had gone to WZ-20, Nangli Zalib, Janakpuri, Delhi to inform her about the dues. We had gone in the evening at around 8/08 : 30 PM and we came to know that husband of the complainant was lodged in JC in some matter. We had merely asked about the rent dues and the complainant showed her inability to pay the rent as her husband was lodged in JC. Some heated conversation took place. In retaliation, the complainant made a call at 100 number and registered the false case against me. I received a call from PS Janakpuri and thereafter, I had gone to Police Station. After this incident, I refrained myself from visiting the premises of the complainant. This is my true and voluntary statement”.

FINAL ARGUMENTS

10. I have heard the Ld. APP for the State and Ld. Counsel for the accused at length. I have also given my thoughtful consideration to the material appearing on record.

11. It is argued by Ld. APP for the State that all the ingredients of the offence are fulfilled in the present case. He has argued that prosecution witnesses have categorically deposed about the commission of offence and there is no ground to disbelieve their testimony. He further contends that the documentary evidence has proved the offence beyond reasonable doubt. As such, it is prayed that the accused be convicted for the said offences.

12. *Per contra*, Ld. Counsel for the accused has argued that the State has failed to establish its case beyond reasonable doubt. Ld. Counsel further argued that the entire case of the prosecution is false and fabricated and the same is evident from the material inconsistencies and contradictions borne out from the material on record. It is argued that the prosecution has failed to discharge the burden cast upon it. As such, it is prayed that the accused persons be acquitted for the said offences.

INGREDIENTS OF THE OFFENCE

13. Brief, outline of offences for which the accused has been tried are, section 506/509 IPC. Section 506 IPC provides punishment for criminal intimidation. Section 503 IPC defines criminal intimidation. Sections 503/506/509 IPC are reproduced as follows:

503 IPC. Criminal intimidation:

“Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.”

506 IPC. 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.”

509 IPC. Word, gesture or act intended to insult the modesty of a woman:

“Whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to three years, and also with fine.”

14. The essential ingredients of offence u/s 506 IPC are as follows:

- *There must be a threat: The accused must have threatened the victim.*
- *Threat must be to: cause injury to a person, reputation, or property of the victim or someone the victim is interested.*
- *Intention: The threat must be to cause alarm to the victim.*

15. The essential ingredients of offence u/s 509 IPC are as follows:

- *Uttering any word with the intent that such words be heard by the woman.*
- *The words spoken should be such that they intend to insult the modesty of any woman.*
- *Making any sound or gesture with the intention that such sounds or gestures be heard or seen by the woman.*
- *Exhibiting any object with the intent that such object be seen by the women.*
- *Intruding upon the privacy of a woman.*

16. It is trite law that the burden always lies upon the prosecution to prove its case beyond reasonable doubt on the basis of acceptable evidence and that the law does not permit the Court to punish the accused on the basis of moral conviction or on account of suspicion alone. Also, it is well settled that

accused is entitled to the benefit of every reasonable doubt in the prosecution story and such doubt entitles him to acquittal.

APPRECIATION OF EVIDENCE

17. PW1/victim deposed in a detailed, consistent, and categorical manner that the accused used to call her on the phone, visit her house, and pass filthy and threatening remarks. She stated that the accused threatened to sexually assault her and kill her, if she did not open the door, using the words “Darwaja khol de mujhe tere saath sex karna hai” and later “Darwaja khol de nahi to tere saath aacha nahi hoga tujhe goli maar dunga”. Accused further uttered the words “Randi tujhe mai bataunga bahut samajhdar apne to samajahti hai” and later “Randi Darwaja Khol de nahi to mai tujhe chodunga nahi”. The aforesaid words were obviously heard by the complainant/victim and that is why she has set the criminal justice system into action. She also identified the offensive messages sent from the accused’s number and marked the screenshots on record (Ex. PW1/C), supported by certificate under Section 65B (Ex. PW1/E). The messages bearing sexually explicit and abusive content, clearly supports the verbal allegations made by the victim PW1 in her oral testimony. The threats described were not vague or generalized but described with precision of time, place and language used, reflecting the natural and unaffected memory of the victim.

18. PW1 further deposed that the accused not only verbally harassed her when she went to the local shop but also knocked at her door forcefully, causing her fear and anxiety. She further responded to the situation by calling the police at 100 number and gave a written complaint promptly, which demonstrates her spontaneity and credibility.

19. Despite a lengthy cross-examination, her core testimony remained unshaken. PW1 stood firm and consistent in all material particulars. She denied the suggestions that the complaint was false or motivated due to a rent dispute. In fact, her truthfulness is bolstered by the voluntary admission of the accused himself as DW1, who conceded to having sent messages with offensive content, albeit trying to justify them based on a rent disagreement.

20. PW2/IO/SI Parmila corroborated that a complaint was filed and offensive messages were seized. She admitted some procedural lapses, including not verifying the CDR with FSL and not recording the IMEI numbers, but confirmed the seizure and filing of charge sheet based on the SMS evidence and the complainant's statement u/s 164 CrPC.

21. It was argued by the defence that there is no eye-witness examined by the prosecution and that it is only PW1 who has stated that accused uttered the above said words. However, the aforesaid argument does not hold any water as the court has to see the quality of the testimony of the witness and not the quantity of the witnesses. The testimony of PW1 is clear, cogent, reliable, trustworthy and she has not deviated from her statement u/s 164 Cr.P.C. During the cross-examination, nothing material has come up in the testimony of PW1 so as to shake her credibility or impeach her credit.

22. **In Prithipal Singh & Ors. vs. State of Punjab & Anr. (2012) 1 SCC 10**, it was observed as under: -

“49. This Court has consistently held that as a general rule the court can and may act on the testimony of a single witness provided he is wholly reliable. There is no legal impediment in convicting a person on the sole testimony of a single witness. That is the logic of Section 134 of the Evidence Act. But if there are doubts about the testimony, the court will insist on corroboration. In fact, it is not the number or the quantity, but the quality that is material. The time-

honoured principle is that evidence has to be weighed and not counted. The test is whether the evidence has a ring of truth, is cogent, credible and trustworthy or otherwise. The legal system has laid emphasis on value, weight and quality of evidence, rather than on quantity, multiplicity or plurality of witnesses. It is, therefore, open to a competent court to fully and completely rely on a solitary witness and record conviction. Conversely, it may acquit the accused in spite of testimony of several witnesses if it is not satisfied about the quality of evidence.” [See Vadivelu Thevar v. State of Madras, AIR 1957 SC 614, Sunil Kumar v. State (Govt. of NCT of Delhi, (2003) 11 SCC 367, Namdeo v. State of Maharashtra, (2007) 14 SCC 150 and Bipin Kumar Mondal v. State of W.B., (2010) 12 SCC 91].

23. Thus, based on the cross-examination of the witness PW1, there is no major contradiction in the testimony of the witness and the court finds her testimony to be reliable. Based on the aforesaid observations, the argument pertaining to no other eye-witness stands rejected.

24. It was also vehemently argued by the defense that the whatsapp chat Ex. PW1/C is not admissible in evidence and cannot be relied upon as the certificate Ex. PW1/E given under section 65B Indian Evidence Act is not proper. Reliance is placed upon the judgement titled “**Arjun Panditrao Khotkar vs. Kailash Kushanrao Gorantyal** AIR 2020 SC 4908”.

25. It is interesting to note here that accused/Vikrant Grewal in his own testimony as defense witness, admitted to sending messages to the complainant on the date of the incident. He claimed that the messages were sent due to a rent dispute, but did not deny their vulgar nature. He also confirmed that he had no further contact with the complainant after the incident. He admitted that the mobile number used for sending messages belonged to him and the messages emanated from his phone. Thus, in lieu of section 58 of Indian Evidence Act, which states that facts admitted need not be proved, argument raised by the

defense is rejected. Further, the argument raised with respect to non-sending of CDR for FSL opinion, non-recording of IMEI number by the IO is also rejected on the similar lines as the whatsapp messages relied upon by the prosecution are admitted by the accused. Further, these procedural lapses by the IO does not go to the root of the matter when the core of the prosecution case is independently supported by the victim's testimony and accused's own admission.

26. The main question that needs to be answered is whether the accused uttered words with an intent to outrage her modesty. Mere utterance of abuses does not automatically amount to outrage of modesty. In **Abhijeet J.K. vs. State of Kerala [2020 SCC OnLine Ker 703]**, the Hon'ble High Court of Kerala held that there is a distinction between an act of merely insulting a woman and an act of insulting the modesty of a woman. In order to attract Section 509, merely insulting a woman is not sufficient and insult to modesty of a woman is required to have been done. 22. Section 509 criminalizes a 'word, gesture or act intended to insult the modesty of a woman' and in order to establish this offence, it is necessary to show that the modesty of a particular woman or a readily identifiable group of women has been insulted by a spoken word, gesture or physical act. In **State of Punjab vs. Major Singh [AIR 1967 SC 63]**, the Hon'ble Supreme Court held that the essence of a woman's modesty is her sex. The modesty of an adult female is writ large on her body. Young or old, intelligent or imbecile, awake or sleeping, the woman possesses modesty. In **Rupan Deol Bajaj vs. K.P.S. Gill [AIR 1996 SC 309]**, it was held that if the word uttered or the gesture made could be perceived as one which is capable of shocking the sense of decency of a woman, then it can be found that it is an act of insult to the modesty of the woman. In **Basheer vs. Kerala [2014 KHC 5026]**, it was held that there must be a definitive allegation of insult to the modesty of woman or intrusion into the privacy of woman. The sine qua non for application of Section 509 IPC is that there must be an intention to outrage modesty of a woman. The

word "modesty" has not been defined anywhere in the Indian Penal Code, 1860 nor in Section 354, and 509, of the IPC, 1860. In the Oxford English Dictionary, one of the meanings given for the word "modesty" is "womanly propriety of behaviour". What the legislature had in mind when it used the word modesty in Sections 354 and 509, IPC was protection of an attribute which is peculiar to woman, as a virtue which attaches to a female on account of her sex.

27. In **Rupan Deol Bajaj v. KPS Gill AIR 1996 SC 309** the Supreme Court held that: "*The ultimate test for ascertaining whether the modesty has been outraged is, in the action of the offender such as could be perceived as one which is capable of shocking the sense of decency of a woman*".

28. The words uttered by the accused are "Darwaja khol de mujhe tere saath sex karna hai", "Randi tujhe mai bataunga bahut samajhdar apne to samajahti hai", "Randi Darwaja Khol de nahi to mai tujhe chodunga nahi". The word Randi is not a word which is used simply to insult a person. The word is bound to insult the modesty of any hardworking woman. Especially, when this word is used to a woman, it denotes that the said woman is not loyal. Secondly, the words are not simple insult but it directly hits at the sex of a woman and it also shows that the word is intended to mean that the woman is promiscuous and it casts an aspersion on her character. It is bound to insult the modesty of any woman. The words also mean that she is engaged in sexual intercourse with various people. Hence, the court is of the view that the words spoken by the accused are intended to insult the modesty of complainant. Thus, ingredients of section 509 IPC are satisfied beyond reasonable doubt.

29. Furthermore, the allegations of complainant that she was threatened with rape and murder if she did not comply with accused's demands. The accused used direct threats like "Darwaja nahi khola toh goli maar dunga" which clearly amounts to criminal intimidation as defined under section 503 IPC.

30. Based on the above discussion, the court is of the view that the prosecution has proved its case beyond reasonable doubt. Hence, the accused stands convicted for offence u/s 506(part 2)/509 IPC.

**Announced in the open Court
on 15.07.2025 in the presence
of the accused.**

**(Harjot Singh Aujla)
JMFC-11, South West
Dwarka, Delhi / 15.07.2025**

Note: - This judgment contains 14 pages and each page has been signed by me.

**(Harjot Singh Aujla)
JMFC-11, South West
Dwarka, Delhi / 15.07.2025**