

SC No.325/23
State Vs. Sunil & Ors.
FIR No.62/19
PS : Budh Vihar
U/s.498A/304B/34 IPC

09.02.2024

Present: Sh. Sanjay Jindal, Ld. Addl. Public Prosecutor for the State.

Accused Sunil and Rajwati on bail.

Accused Hazari Lal not present.

Ms. Mansi, Ld. Counsel for accused persons.

1. Personal appearance of accused Hazari Lal is exempted for today on an application moved by Ld. Counsel.
2. As per the case of prosecution, deceased Rakhi was married to accused Sunil on 25.11.2013. She committed suicide on 01.09.2018. Since the deceased was a married woman and had died unnatural death within seven years of her marriage, inquest proceedings were conducted through Executive Magistrate. Executive Magistrate recorded statement of Bala Devi, mother of the deceased, wherein she stated that after marriage, her daughter stayed at her matrimonial home peacefully only for seven months. Thereafter, her husband and in-laws began to harass her for demand of dowry. They would physically assault her for not bringing car, jewellery and other sufficient dowry articles. Accused Sunil had also filed a divorce case against the deceased. Deceased was under persistent stress due to the conduct of the accused persons. Therefore, she was residing at her parental home and was taking treatment for her stress. Since the death had occurred within seven years of marriage and the mother of the deceased and other relatives had levelled the allegations of cruelty for

demand of dowry. Therefore, the police has filed charge-sheet u/s.498A/304B/34 IPC.

3. During the course of arguments, Ld. Counsel for the accused persons has submitted that the deceased was a patient of bipolar disorder even prior to her death and she was taking treatment for her psychiatric ailment. Due to the mental ailment of the deceased, relationship between the deceased and accused Sunil had deteriorated. Accused Sunil had also filed a divorce case against the deceased. Ld. Counsel has submitted that the suicide committed by the deceased was due to depression, from which she was already suffering. It was not the result of any harassment or cruelty by the accused persons. Had the accused persons indulged in any such conduct, the deceased would have filed some complaint or reported the matter to the police earlier, but no such complaint was ever filed. Ld. Counsel has further submitted that the allegations against the accused persons are not specific and FIR was also lodged belatedly.
4. On the other hand, Ld. Addl. PP has submitted that despite being married, the deceased was residing at her parental home and not at her matrimonial home. The reason for the same was the conduct of the accused persons. Since the deceased had not brought sufficient dowry, therefore, accused persons were not happy with her and this was the reason that accused had filed a divorce case against her at the instance of

of his parents. Ld. Addl. PP has further submitted that if the deceased was suffering from any medical ailment, same was result of the conduct of the accused persons. Ld. Addl. PP has further submitted that cruelty for the purpose of Sections 498A/304B IPC includes mental cruelty, which is continuous offence. Although, the deceased was residing at her parental home, but it does not mean that cruelty by the accused persons had come to an end after she shifted to her parental home. Since the deceased had shifted her residence as a result of the conduct of the accused persons, therefore, mental cruelty continued even after shifting of her residence.

5. Submissions heard. Record perused.
6. Two basic requirements of the offence u/s.304B IPC are prima-facie fulfilled without any dispute as the deceased had committed suicide within seven years of her marriage. Further, the mother and other relatives of the deceased have levelled specific allegations of demand of dowry against the accused persons. These allegations are further strengthened by the fact that the deceased was residing separately at her parental home. There is strong possibility that she had shifted her residence from matrimonial home to parental home due to the cruelty of the accused persons. The documents relating to the mental ailment of the deceased can also not be recognised in favour of the accused persons as it is possible that the deceased had developed stress and anxiety due to the persistent harassment

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by the accused persons. When all the allegations and material is taken into consideration, same is sufficient to frame charges u/s.498A/304B/34 IPC against all the accused persons.

7. Accordingly, charge u/s.498A/304B/34 IPC framed against accused Sunil and Rajwati, to which they pleaded not guilty and claimed to be tried.
8. Let PW Bala Devi be summoned for the next date. IO to also remain present on the next date.
9. Put up framing charge against accused Hazari Lal / PE on **02.08.2024.**

(BABRU BHAN)
ASJ-03 (NORTH-WEST)
ROHINI COURTS
DELHI/09.02.2024