

SC 176/2022
State Vs. Siddhant Kumar and Ors
FIR No.316/2020
PS- Fatehpur Beri

11.08.2023

Present: Sh. Inder Kumar, Ld. Addl. PP for the State.
All accused are present on bail with Ld. counsel.

Arguments on the point of charge addressed by Ld. Addl. PP as well as Ld. counsel for accused persons have already been concluded. I have considered the rival contentions and perused the record .

As per the prosecution version, on 13.08.2020, a PCR call was received informing that the caller's sister has hanged herself. IO reached the spot i.e. Sukhpal Singh ka Makan, Ist Floor, Harijan Basti, Ayanagar Village, New Delhi. Deceased Mala was found hanging from the ceiling fan with a *chunni*. She was taken to AIIMS hospital where she was declared brought dead. Enquiries were made and on the basis of statements of parents recorded by the SDM, FIR was registered. After conclusion of investigation, chargesheet was filed against all the accused persons for the offence punishable u/s 498-A/304-B/34 IPC.

As per the chargesheet, the allegations are that on 26.04.2019, the deceased Mala got married to accused Siddhant Kumar and thereafter, she started residing at her matrimonial house at Yamuna Nagar, Haryana. There are allegations that accused

Siddhant Kumar used to harass the deceased in connection with demand of money and would also beat her up. Regarding the other accused persons namely, Mitthu Lal (father-in-law), Rekha Devi (mother-in-law), Alkesh (brother-in-law) and Meenakshi (sister-in-law), the only allegations are that they were also involved in the harassment of the deceased, however, no specific role has been ascribed to the said accused persons. The allegations against the said accused persons are vague.

Further, as per the allegations that in the month of October, 2019, the family members of the deceased had visited the house of the accused persons in order to compromise the disputes and sometime thereafter, accused Siddhant Kumar left the deceased outside her parents' house. Thereafter, the deceased started her own business and in the month of April, 2020, accused Siddhant also came to Delhi and the husband and wife took a house on rent near the shop of the deceased at Ayanagar. There are allegations that accused Siddhant Kumar continued to treat the deceased with cruelty in connection with monetary demands and would also give her beatings. Consequently, on 13.08.2020, deceased Mala was found hanging in the said house under suspicious circumstances.

From the allegations, **prima facie offence u/s 498-A/ 304-B and alternatively u/s 306 IPC is made out against accused Siddhant Kumar.** As noted above, the allegations against rest of the accused persons are vague. It is further noted that the said accused

persons reside at Yamuna Nagar, Haryana, whereas the deceased was residing at Ayanagar since January, 2020 and she was joined by accused Siddhant Kumar in April, 2020. There is nothing on record to show that the said accused persons resided with or had any interaction with the deceased after she moved to Ayanagar, New Delhi, in the year 2020. Even prima facie, no offence is made out against accused persons Mitthu Lal (father-in-law), Rekha Devi (mother-in-law), Alkesh (Brother-in-law) and Meenakshi (sister-in-law). **Accordingly, the said accused persons are discharged for the offences punishable u/s 498-A/ 304-B/ 34 IPC.** Their bail bonds stand cancelled. Their sureties are discharged. Documents of said sureties, if any, be released after cancellation of endorsement.

Separate charge for the offence punishable u/s 498-A/ 304-B and alternatively u/s 306 IPC has been framed against accused Siddhant Kumar to which he pleaded not guilty and claimed trial.

List for PE on 26.10.2023.

(Gaurav Gupta)
Spl. Judge-NDPS/ASJ (South)
Saket Courts, New Delhi/11.08.2023