

28.01.2026

Present: Shri Dushyant Siwatch, Ld. Chief Public Prosecutor for the State.
Shri Arpit Chaudhary, Ld. Counsel for both the accused.
Both accused are present on bail.

Vide this order, I shall adjudicate on the point of charge qua accused persons.

During the course of arguments, it is submitted on behalf of counsel for the accused persons that the allegations against the accused Reena that she had thrown an iron rod from the balcony on the injured Sumit at the time of incident, however, no injury has been caused on this account. It is further submitted that investigation was conducted after delay of four years and the complainant has resiled from his statement. It is submitted that there is no public witness and there is no evidence against both the accused persons. It is submitted that there is no recovery of weapon of offence from any of the accused persons. It is prayed that the accused persons be discharged in the present case.

Per contra, it has been argued on behalf of Ld. Chief Public Prosecutor for the State that the accused persons pursuant to the common intention had thrown iron rod on the injured Sumit and thereafter both the accused persons had beaten the injured Om Prakash and Sumit thereby causing him injuries. It is submitted that there is sufficient evidence on record to prima

facie frame charges against both the accused persons in the present case.

Rival contentions heard. Charge-sheet perused.

Careful and meaningful reading of the charge-sheet and documents annexed thereto reflect that the allegations against the accused persons as per the prosecution are that on 02.03.2020 on receipt of DD No. 4A, the police officials reached DDU Hospital where they received MLC No. 2055/2020 of injured Om Prakash with alleged history of physical assault. It is further alleged that on 02.03.2020 at about 12:00 am that there was an altercation between the accused persons and the son of the Complainant Sumit and the accused Reena abused the son of Complainant Sumit and thereafter accused Reena threw an iron rod from the balcony on Sumit and Sumit thereafter took the iron rod and climbed the stairs to speak to the husband of accused Reena, namely, Vijay. It is submitted that both the accused persons then forcibly took Sumit and the Complainant on their floor and closed the door and started physical assaulting due to which they received injuries and also threatened them. Perusal of the medical documents of injured Om Prakash reflects that they sustained injuries on his skull/parietal region and injured Sumit has received injuries on his skull and forearm.

It is a settled proposition of law that at the time of framing of charge, it has to be seen from the material available on record whether a prima facie case has been made out against accused or not. Reliance is placed on the judgment of *UOI Vs. Prafulla Kumar Samal & Another (1979) 3 SCC 4*, *Dipakbhai Jagdish Chandra Patel Vs. State of Gujarat (2019) 16 SCC 547* in this regard.

Thus, appropriately guided by the settled proposition of law and from the perusal of the material available on record, in the considered opinion of this Court, it is seen that as per the allegations accused Reena had thrown iron rod at the time of alleged incident on Sumit and thereafter both the accused persons had forcibly taken the injured persons into a room and assaulted them causing them injuries and also threatened them.

In view of the aforesaid facts and circumstances, there is sufficient ground to presume that offence punishable under Section 308/511 IPC is made out against the accused Reena and offence punishable under Section 342/506/34 IPC is made out against both the accused persons Reena and Vijay Kumar.

Re-list the matter for framing of formal charges on 13.02.2026.

(Gurmohina Kaur)
ASJ-05/South-West District,
Dwarka Courts/New Delhi
28.01.2026