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

+ **W.P.(CRL) 3096/2025**

VANDANA

.....Petitioner

Through: Mr. Parveen Semwal, Advocate.

versus

STATE (NCT OF DELHI) & ORS.

.....Respondents

Through: Mr. Ashok Tobria, Mr. Bhupender Pal Sharma, Ms. Nitika Tanwar and Mr. Ankit Kumar, Advs. for R-2 to 5.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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13.07.2026

1. The present petition challenges the order dated 29.07.2024 passed by the learned Metropolitan Magistrate, Mahila Court-02, West District, Tis Hazari Courts, Delhi, whereby respondent Nos. 2 to 5, namely, the father-in-law, mother-in-law and two brothers-in-law of the complainant, were discharged of the offences punishable under Sections 498A, 406 and 34 of the Indian Penal Code, 1860.
2. Aggrieved thereby, the petitioner preferred Criminal Revision No. 170/2024, which came to be dismissed by the Principal District and Sessions Judge, West District, *vide* judgment dated 18.03.2025, affirming the order of discharge. The petitioner has, therefore, assailed both the aforesaid orders before this Court.
3. The facts of the case would indicate that the marriage between the



petitioner and accused Ranjeet was solemnized according to Hindu rites and ceremonies. It is alleged that soon after the marriage, the petitioner was subjected to cruelty and harassment by the accused persons in connection with unlawful dowry demands and that her *stridhan* articles were retained by them without being returned despite repeated demands. On the basis of the complaint, FIR No. 435/2022, Police Station Nihal Vihar, was registered under Sections 498A, 406 and 34 IPC.

4. During the course of investigation, statements of the complainant and other witnesses were recorded and, upon completion of investigation, a charge-sheet was filed. Pursuant thereto, *vide* order dated 29.07.2024, the Trial Court discharged respondent Nos. 2 to 5. However, finding sufficient material against the husband, the Trial Court directed framing of charges against him. Subsequently, the revision petition preferred by the petitioner against the said order also came to be dismissed by the learned Revisional Court *vide* judgment dated 18.03.2025, affirming the order of discharge.

5. Learned counsel appearing on behalf of the petitioner submits that the Courts have failed to appreciate the allegations in their correct perspective and have erroneously discharged respondent Nos. 2 to 5 despite sufficient material existing on record. It is contended that the complaint and the statements recorded during investigation disclose a continuing course of conduct constituting cruelty and harassment on account of dowry demands and, therefore, the respondents ought to have been directed to face trial.

6. I have considered the submissions advanced on behalf of the petitioner and have perused the record.

7. A perusal of the complaint, the statement recorded under Section 154 Cr.P.C. and the charge-sheet indicates that the allegations against respondent



Nos. 2 to 5 are predominantly omnibus and general in nature. Neither the complaint nor the statements recorded during investigation disclose any specific instance of demand for dowry coupled with acts of cruelty or harassment attributable individually to the discharged accused. Equally, there is no specific material indicating entrustment of the complainant's *stridhan* articles to any of the discharged respondents or their subsequent dishonest misappropriation so as to constitute an offence under Section 406 IPC. The allegations, as noticed by both the Courts, lack the degree of specificity necessary to raise a grave suspicion warranting the framing of charges.

8. The Revisional Court, while affirming the order of discharge, observed as under:

*“9. The perusal of TCR reveals the charge-sheet was filed on 29.02.2023, u/s,4984/406/34 IPC against 5 accused (including respondents herein). The Ld. Trial court has discharged 4 of the accused persons (respondents herein) for the offence u/s.4984/406134 IPC on the ground that the allegations leveled against them were general and vague and mere demand does not amount to an offence u/s.498A IPC unless it is coupled with harassment and there should be proximity between harassment and demand and also that the complainant has not levelled any specific allegations of entrustment of her Stridhan articles to the accused persons (respondents herein). Accused Hari Singh is father in law, Anita is mother-in-law, accused Atish & Ajay are brothers in law and accused Ranjeet is the husband of the complainant. In the Statement recorded u/s.154 of Cr.P.C., the complainant has not made any specific allegation against the respondents herein. The Hon’ble Supreme Court in ‘**Sajjan Kumar (Supra)**’ has categorically held that if two views are possible and one of them give rise to suspicion only, as distinguish from grave suspicion, the Ld. Trial Court will be empowered to discharge the accused. This Court is of the considered opinion that the allegations against the accused persons give rise to suspicion only therefore, the Ld. Trial Court has legally exercised his discretion to discharge the accused persons (respondents herein). I am in complete agreement with the findings of the Ld, Trial Court that mere taunting does not amount to cruelty within the ambit of Section 498-A IPC unless there is subsequent harassment for demand of dowry. The allegations levelled against accused persons are general and*



vague in nature, Therefore, there is nothing on record to interfere with the findings of the Trial Court regarding the discharge of the accused persons for offence u/s. 498-A IPC.”

9. A bare perusal of the impugned orders would indicate that both Courts have independently analysed the allegations and have arrived at the conclusion that the material placed on record does not disclose specific allegations against respondent Nos. 2 to 5 sufficient to frame charges under Sections 498A or 406 IPC. The conclusions recorded are based on a proper appreciation of the material available at the stage of charge and cannot be said to suffer from perversity or manifest illegality.

10. It is well settled that at the stage of consideration of charge, the Court is required to determine whether the material on record gives rise to a grave suspicion against the accused. At the same time, where allegations against the relatives of the husband are vague, omnibus and devoid of specific particulars, the Trial Court is justified in exercising its jurisdiction to discharge such accused. The tendency to implicate every member of the matrimonial family in prosecutions arising out of matrimonial discord in the absence of specific allegations demonstrating their active involvement shall be cautioned.

11. The jurisdiction of this Court is to be exercised sparingly against the orders passed by the Courts below. Unless the impugned orders are shown to suffer from patent illegality, perversity or jurisdictional error, this Court would not re-appreciate the material or undertake a meticulous examination of disputed facts as if exercising appellate jurisdiction. Interference at this stage would virtually amount to conducting a mini trial, which is impermissible in exercise of such limited jurisdiction.



12. In view of the aforesaid, this Court finds no ground to interfere with the orders dated 29.07.2024 and 18.03.2025.

13. Accordingly, the petition stands dismissed.

PURUSHAINdra KUMAR KAURAV, J

JULY 13, 2026/P/SS