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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1574/2011**

ASHUTOSH & ORS.

..... Petitioners

Through: Ms. Prachi Singh, Ms. Geetika
Sharma and Mr. V.K. Singh,
Advocates.

versus

JYOTI & ORS.

..... Respondents

Through: Mr. Nikhil A. Menon, Advocate for
Mr. Dayan Krishnan, Additional
Standing Counsel with ASI Ram
Gopal, PS Mukherjee Nagar.
Mr. Sitab Ali Chaudhary, Advocate
for the complainant.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **17.11.2011**

Crl. M.A. No. 17953/2011 (Exemption)

Allowed, subject to all just exceptions.

Crl. M.A. No. 17954/2011 (Delay)

For the reasons stated in the application the delay of 15 days in filing
the petition is condoned.

Application stands disposed of.

W.P. (Crl.) 1574/2011 & Crl. M.A. No. 17952/2011 (Stay)

By this petition the Petitioners seek quashing of FIR No. 172/2011

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under Section 498A/406 IPC registered at PS Mukherjee Nagar.

Learned counsel for the Petitioner contends that the FIR in question is full of contradictions. The averments made therein are false. The Complainant as per her own statement made to the police of PS Mukherjee Nagar had voluntarily left the matrimonial house on 10th September, 2010 and thus there was no coercion on her to leave the house. During mediation the Complainant stated that she wanted a divorce and a hefty alimony.

I have heard learned counsel for the Petitioner.

The allegations levelled in the FIR are that the Complainant was married on 27th November, 2009 with Petitioner No. 1. Even prior to the marriage the Petitioners demanded a car from her brothers and the mediator which was agreed to be given as dowry. During marriage gifts and gold jewellery were given to the in-laws. On the same day after the marriage the mother-in-law and the sister-in-law opened her suitcases and took all the expensive clothes and her jewellery and kept the same in their custody. Even the bangles were kept in their custody on the pretext that they will be lost. Despite her family having spent lot of money on the marriage the in-laws were not satisfied and demanded a further sum of Rs. 5 lakhs from the Complainant and her family members. Consequently the sister-in-law of the

Complainant giving a sum of Rs. 2 lakhs to the Petitioner No. 1 on 6th February, 2009. Despite having paid a sum of Rs. 2 lakhs, the Petitioners were not satisfied. As the balance amount of Rs. 3 lakhs was not received, they continued misbehaving. On 21st February, 2010 when the Complainant demanded her jewellery back, her mother in law flatly refused to give back the same. The Complainant was severely beaten due to which the mother of the Complainant had to send a sum of Rs. 50,000/- on 14th March, 2010 through her brother. Again there was a fight on 20th March, 2010 followed by a demand of 200 sq. yards plot instead of the car amount. On 3rd July, 2010 the Petitioner No. 1 drank liquor and on the provocation of the father-in-law, mother-in-law and the sister-in-law beat the complainant mercilessly. The demand of dowry by the Petitioners did not end and there was continuous harassment of the Complainant. Ultimately the Complainant left the matrimonial home on 10th September, 2010 at 8.00 a.m.

A perusal of the FIR prima facie shows that prima facie the ingredients of Section 498A/406 are made out against the Petitioners.

At this stage this Court will not enter into the realm of appreciation of evidence and adjudicate whether the allegations are false or not. Further the effect of the contradiction in the complaint that the Petitioners asked

for a plot in Haridwar or at Burari will be an issue to be decided during the course of the Trial. The present case does not fall within the ambit of any of the categories laid down by the Hon'ble Supreme Court in *State of Haryana vs. Bhajan Lal, 1992 (supl) 1 SCC 335*, warranting quashing of the FIR.

Petition and application are dismissed.


MUKTA GUPTA, J.

NOVEMBER 17, 2011
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