



\$~47

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 116/2026, CRL.M.A. 5792/2026**
SMT SUMAN

.....Petitioner
Through: Mr. Arun Bhushan, Ms. Divya
Sorayan, Mr. Pafam Singh, Mr.
Kushal Yadav, Advocates.

versus

THE STATE GOVT OF NCT OF DELHI & ORS.

.....Respondent
Through: Mr. Ajay Vikram Singh, APP for
state.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV
ORDER
% **08.07.2026**

1. The present petition under Section 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS") is filed against the order dated 17.01.2025 (hereafter "**impugned order**"), passed by the ASJ, Tis Hazari Courts, Delhi, in a case arising out of FIR No. 241/2019, registered at PS: Nihal Vihar, for offences punishable under Sections 498A/304B/306/34 of the Indian Penal Code, 1860 ("IPC").
2. By the impugned order, the Sessions Court discharged respondent Nos. 2 and 3, the parents-in-law of the deceased, of the offence punishable under Section 498A/34 IPC, the only offence with which they stood



chargesheeted.

3. The husband of the deceased was arrested on 12.04.2019 and was thereafter released on bail on 01.08.2019. The main chargesheet was filed against him alone, and charges under Sections 304B/306/498A IPC were framed against him *vide* order dated 24.07.2019.

4. Respondent Nos. 2 and 3 were granted anticipatory bail by this Court on 25.09.2019. A supplementary charge-sheet was thereafter filed against them on 05.04.2023, restricted to Section 498A/34 IPC, and by the impugned order dated 17.01.2025, the learned Trial Court discharged them of the said offence.

5. In discharging respondent Nos. 2 and 3, the Sessions Court found the allegations against them to be vague and general, unsupported by any specific instance. The mediator, Sh. Vijay Gupta, who was engaged to reconcile the matrimonial discord, made no allegation of ill-treatment against either respondent. He deposed that nothing serious existed between the couple, save that both were of angry nature.

6. The Sessions Court further found that the allegations were not such as would have been likely to drive the deceased to commit suicide or endanger her life, limb, or health, nor did they amount to harassment on account of any unlawful demand for a valuable security or property. On this basis, it held that the threshold of cruelty under Section 498A IPC was not made out against respondent Nos. 2 and 3.

7. Since the revision is directed against an order discharging the accused, it would be apposite to briefly notice the settled principles governing the framing of charge and discharge. Supreme Court in ***Union of***



India v. Prafulla Kumar Samal¹, laid down, the following principle:

“10. Thus, on a consideration of the authorities mentioned above, the following principles emerge:

xxx

(3) The test to determine a prima facie case would naturally depend upon the facts of each case and it is difficult to lay down a rule of universal application. By and large however if two views are equally possible and the Judge is satisfied that the evidence produced before him while giving rise to some suspicion but not grave suspicion against the accused, he will be fully within his right to discharge the accused.”

8. In ***State of Gujarat v. Dilipsinh Kishorsinh Rao***², the Supreme Court has discussed the parameters that would be appropriate to keep in mind at the stage of framing of charge/discharge, as under:

9.

“7. It is trite law that application of judicial mind being necessary to determine whether a case has been made out by the prosecution for proceeding with trial and it would not be necessary to dwell into the pros and cons of the matter by examining the defence of the accused when an application for discharge is filed. At that stage, the trial judge has to merely examine the evidence placed by the prosecution in order to determine whether or not the grounds are sufficient to proceed against the accused on basis of charge sheet material. The nature of the evidence recorded or collected by the investigating agency or the documents produced in which prima facie it reveals that there are suspicious circumstances against the accused, so as to frame a charge would suffice and such material would be taken into account for the purposes of framing the charge. If there is no sufficient ground for proceeding against the accused necessarily, the accused would be discharged, but if the court is of the opinion, after such consideration of the material there are grounds for presuming that accused has committed the offence which is triable, then necessarily charge has to be framed.

xxx

12. The primary consideration at the stage of framing of charge is

¹ 1979) 3 SCC 4.

² 2023 SCC OnLine SC 1294.



the test of existence of a prima-facie case, and at this stage, the probative value of materials on record need not be gone into. This Court by referring to its earlier decisions in the State of Maharashtra v. Som Nath Thapa, (1996) 4 SCC 659 and the State of MP v. Mohan Lal Soni, (2000) 6 SCC 338 has held the nature of evaluation to be made by the court at the stage of framing of the charge is to test the existence of prima-facie case. It is also held at the stage of framing of charge, the court has to form a presumptive opinion to the existence of factual ingredients constituting the offence alleged and it is not expected to go deep into probative value of the material on record and to check whether the material on record would certainly lead to conviction at the conclusion of trial.”

[Emphasis Supplied]

10. The Sessions Court has correctly appreciated that the allegations against respondent Nos. 2 and 3 remain at the level of suspicion simpliciter and do not cross the threshold of grave suspicion necessary to presume the commission of an offence under Section 498A IPC. The impugned order reflects due application of judicial mind to the statements of the complainant's family as well as the independent witnesses and cannot be said to be either mechanical or perverse.

11. This Court does not find any reason to interfere with the well-founded orders passed by the concerned Court.

12. Accordingly, the revision fails and is hereby dismissed. Pending application also stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

JULY 8, 2026/ar/NK