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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010323582023
+ **CRL.M.C. 5928/2023 & CRL.M.A. 22266/2023, CRL.M.A. 22267/2023**

SMT. SHEELA & ORS. Petitioners

Through: Ms. Sneha Rani with Mr. Abhishek Verma, Mr. Satayam Singh, Adv.

versus

STATE (GOVT. OF NCT OF DELHI) & ANR. Respondents

Through: Mr. Ajay Vikram Singh, APP.
SI Deepanshu Choudhary, PS Harsh Vihar.
Ms. Divya Malhotra, Adv. for R-2.

CORAM:
HON'BLE MS. JUSTICE MADHU JAIN

ORDER
19.08.2026

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1. This hearing has been done through hybrid mode.
2. The present petition under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the 'Cr.P.C.') has been filed by the Petitioners assailing the order dated 19.04.2022 passed by the learned Metropolitan Magistrate (Mahila Court-03), Shahdara District, Karkardooma Courts, Delhi in **FIR No. 353/2017**, P.S. Harsh Vihar, whereby charges were framed against the accused persons, as also the order dated 26.11.2022 passed by the learned Principal District & Sessions Judge, Shahdara District, Karkardooma Courts, Delhi in **Criminal Revision No. 92/2022**, whereby the revision petition challenging the order dated 19.04.2022 was dismissed.
3. Learned counsel for the Petitioners submits that the Petitioners are the



mother and brothers of the husband of the complainant. She further submits that Petitioner Nos. 2 to 4 stand discharged by the Trial Court for the offences under Section 406 of the Indian Penal Code, 1860 and Section 4 of the Dowry Prohibition Act, 1961.

4. Learned counsel for the Petitioners further submits that the wife herself has deserted the husband and there are no independent witnesses in the chargesheet. Regarding the money transactions, there is no proof on record. The wife also wants her husband to settle with her in Delhi, whereas the husband was appointed on compassionate grounds following the demise of his father and has an obligation to look after his family, including his widowed mother and brothers.

5. The case is at the stage of prosecution evidence before the Trial Court. The contentions that there are no independent witnesses, that there is no proof of the alleged money transactions and that the complainant herself deserted the husband are matters which would require appreciation of evidence.

6. These are disputed questions of fact which cannot be adjudicated in the present petition under Section 482 Cr.P.C. The allegations and the defence of the Petitioners have to be tested during trial on the basis of evidence led by the parties.

7. Accordingly, the petition is dismissed. Pending application(s), if any, also stand disposed of.

8. The order be uploaded on the website *forthwith*.

MADHU JAIN, J

AUGUST 19, 2026/prg/m