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

Date of Decision: August 05, 2015

+ CRL.M.C. 5477/2014 & CRL.M.A.18691/2014

SMT NARGIS

..... Petitioner

Through: Mr. Nasir Kamal, Advocate

versus

STATE (NCT OF DELHI) & ORS

.... Respondents

Through: Mr. Praveen Bhati, Additional
Public Prosecutor for respondent-
State with SI Neeraj Kumar
Mr. Abdul Salam & Mr.
M.A.Khan, Advocates for
Respondents No.2, 3 & 4

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT

(ORAL)

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Petitioner is the complainant of FIR No. 399/11 under section 498-A/406/24 of IPC registered at PS Mandawali, who is aggrieved by trial court's order of 13th November, 2013 vide which respondent no. 2 to 4 i.e. father-in-law and two sisters-in-law (*nanads*) have been discharged and the aforesaid order has been affirmed by Revisional Court vide impugned order of 17th September, 2014. The concurrent findings returned by the courts below are that the allegations against respondents 2 to 4 are unspecific and of general nature.

At the hearing, learned counsel for the petitioner had drawn the attention of this Court to the contents of the FIR (*Annexure P-4*) to submit that the allegations against respondents No.2 to 4 are sufficient to put them on trial as in such like cases, it is not practical to give the date and time of each incident as the offence of cruelty is of continuing nature. Thus, quashing of the impugned orders is sought in this petition.

Learned counsel for respondents No.2 to 4 submits that the impugned orders do not suffer from any illegality and a practical view is required to be adopted in dealing with such cases as the general tendency is to rope in all the family members including unmarried/married sisters-in-law against whom vague allegations have been levelled and so, this petition deserves dismissal.

After having heard both the sides and on perusal of the impugned orders and the charge-sheet filed, I do find that in such like cases, there is tendency to exaggerate the allegations and the prosecution version is required to be read as a whole. Upon doing so, I find that the general allegations levelled against respondents No.2 to 4 do not justify that they should be tried alongwith husband and mother-in-law of petitioner.

Consequently, finding no palpable errors in the impugned orders, this petition is dismissed while refraining to comment upon merits lest it may prejudice either side before trial court.

This petition and application are accordingly disposed of.

(SUNIL GAUR)
JUDGE

AUGUST 05, 2015

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