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

+ CRL.M.C. 2876/2016 & Crl.M.A. No. 12330/2016

MUKESH KUMAR JHA & ANR Petitioner
Through Mr.Rajeev Khanna, Adv.

versus

STATE OF DELHI NCT DELHI & ANR Respondents
Through Mr.G.M. Farooqui, APP for the State
Inspt.Youdh Bir Singh.

CORAM:
HON'BLE MR. JUSTICE P.S.TEJI

ORDER
% **10.08.2016**

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of the FIR No.134/2016 registered under Section 498-A/304-B/34 of the Indian Penal Code at Police Station Okhla Industrial Area. In the alternative, a request is made to the effect that the offences mentioned above may be allowed to be compounded between the petitioners and the respondents.

2. A thumbnail sketch of the facts of the case, as emerges from the records and FIR is that the marriage between the petitioner no.1 and Soni Jha (since deceased) was solemnized in the year 2012 as per the Hindu rites and customs and one female child was born out of the said wedlock on 26th April, 2014. It was alleged by the complainant that after solemnization of the marriage, his son-in-law/petitioner no.1 used to drink wine. He further submitted that his son-in-law used to

torture his daughter and used to thrash, misbehave and hurl abuses at her. The father of the deceased also alleged that the younger brother of his son-in-law also used to hurl abuses at his daughter. He further submitted that he fell sick and his daughter came to her to see after which he did not meet much with his son-in-law. It was further submitted by him that his daughter used to praise her mother-in-law and father-in-law. However, on 26th February, 2016, he received phone call at 1.30 a.m. requesting him to reach Holy Family Hospital. The father of the deceased submitted that after reaching there, he learnt that his daughter had hanged herself. However, he submitted that his daughter was too strong to take such a decision and he strongly suspected that his son-in-law would have killed her.

3. Thereafter, FIR No.134/2016 under Section 498-A/304-B/34 of the IPC was lodged by the father of the deceased. The statement was sealed. Mr.Shailendra Kumar Singh, Sub-Division Magistrate, Kalkaji, directed to take legal action as per law. It is stated that after recording statement, procuring MLC and surveying the place of crime, offence under Sections 498-A/304-B/34 was made out and accordingly, Tehris was made and registered and further investigation was handed over to Inspector Youdhbir Singh.

4. The charge-sheet was filed by the investigating officer and the case was referred to the Court of Session for trial which is pending adjudication. The petitioners were arrested in the said FIR immediately and are now behind the bars. Application moved by the petitioners for grant of bail was dismissed.

5. Learned counsel for the petitioner has submitted that the

petitioners have been falsely implicated in the alleged complaint inasmuch as no written complaint of any dates regarding cruelty, harassment and demands of dowry were mentioned in the FIR. Learned counsel for the petitioner further alleged that the said FIR lacks necessary ingredients of the offence of demand of dowry or any kind of harassment. It is further submitted that there is no legally admissible evidence against the applicants. It is also submitted that the petitioner nos.1 & 2 themselves had informed the parents of Ms.Soni Jha (the deceased) and also informed the police with regarding to the hanging of Ms.Soni.

6. Learned counsel for the petitioner has further contended that with the intervention of the well wishers, all the disputes between the parties were fully and finally settled.

7. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the quashing of the FIR and compounding of offences on the ground that the allegation against the petitioners are abatement to suicide and that chargesheet in this case has been filed and trial is pending.

8. I have heard counsel for the petitioners as well as learned Additional Public Prosecutor for the State and also gone through the material on record. It was alleged in the FIR that the petitioners used to harass, torture and abuse the deceased daughter of the complainant. In the facts and circumstances, the possibility of the cause of death of the deceased due to the misconduct, misbehaviour, torture and harassment of the petitioners, cannot be ruled out. A young lady has hanged herself and FIR under Sections 498-A/304-B/34 of the IPC

have been lodged.

9. Keeping in view the gravity of offence, I am not inclined to either quash the FIR No.134/2016 registered under Sections 498-A/304-B/34 IPC nor allow these offences to be compounded between the petitioners and respondent no.2.

10. Resultantly, the facts emerging from the record culminate into dismissal of the present petition. Accordingly, the present petition and application filed by the petitioners are dismissed.

P.S.TEJI, J

AUGUST 10, 2016/aa