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

DECIDED ON : 5th May, 2016

+ **CRL.M.C. 3708/2015**

LAXMI JHA

..... Petitioner

Through : Mr.Shishir Mathur, Advocate.

versus

STATE, NCT OF DELHI & ORS

..... Respondents

Through : Mr.Raghuvinder Varma, APP.
SI Govind Singh, PS Uttam Nagar.

**CORAM:`
HON'BLE MR. JUSTICE S.P.GARG**

S.P.GARG, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. has been filed by the petitioner to challenge the legality and correctness of an order dated 15.04.2015 of learned Additional Sessions Judge in CR No.120/2012 by which order dated 30.10.2012 passed by learned Metropolitan Magistrate (Mahila Court) in case FIR No.105/2003 under Sections 498A/406 IPC registered at Police Station Uttam Nagar whereby respondents No.2 to 4 were discharged was upheld. Status report is on record.

2. I have heard the learned counsel for the parties and have examined the file. On perusal of the record it reveals that charge-sheet for

commission of offences punishable under Sections 498A/406 IPC was filed against the respondents.

The petitioner was married to Ranjeev Jha on 05.06.2002. Ranjeev Jha committed suicide on 14.09.2002. FIR No.690/02 at Police Station Uttam Nagar under Section 306 IPC was registered against the petitioner for the said incident. It is informed that upon completion of investigation in the said case, the cancellation report filed by the Investigating Agency was not accepted and the learned Magistrate has taken cognizance against the petitioner and her family members for commission of offence under Section 306/34 IPC. CrI.M.C.147/07 is stated to be pending before this Court to challenge the summoning order. Ranjeev Jha had allegedly executed a 'suicide note' in which he had accused the petitioner and her family members to have harassed him by lodging various complaints etc. to criminally intimidate him. Apparently, the deceased Ranjeev Jha had put blame upon the petitioner and her family members prompting him to take the extreme step.

3. The petitioner's brother had lodged the complaint before the CAW cell on 29.02.2002. The Trial Court observed that the said complaint did not contain much details. It was only mentioned that accused Ranjeev Jha along with his family members used to pressurize the complainant to encash the FDR (of ₹2,00,000/-) given to her in marriage. In the instant petition, the petitioner claimed that a complaint dated 09.07.2002 was lodged before CAW Cell against respondents No.2 to 4 and after its settlement, she returned to the matrimonial home. No such complaint is, however, on record. DD No.49B dated 29.07.2002 recorded at 5.45 p.m. at Police Station Uttam Nagar reveals that information was about a 'quarrel'.

4. The complaint forming basis of the FIR in the question was lodged after Ranjeev Jha committed suicide. This complaint was primarily to inform the police that she has been falsely implicated in FIR No.690/02 registered at Police Station Uttam Nagar. There was no specific complaint regarding harassment or torture on account of dowry demands.

5. The dispute is over an FDR in the sum of ₹2,00,000/- allegedly given by petitioner's parents at the time of her marriage to her. The said FDR was in the joint name of the petitioner and her husband Ranjeev Jha; it was to mature after 36 months. There is no material on record to infer if before marriage there was any demand of dowry or cash by the deceased or his family members. Nothing is on record to show if this FDR was given in the name of the petitioner and her husband jointly on account of any dowry demand. It has come on record that deceased had taken a loan of ₹60,000/- from a private bank payable in monthly installments which he was unable to pay. He wrote a letter dated 07.09.2002 to the concerned bank i.e.Vintage Credit and Leasing Pvt.Ltd. to inform that his father had agreed to pay the installments due to his inability to pay as he had lost his private job. It has further come on record that the concerned bank has filed a civil suit for recovery of the loan amount. The FDR in question was never encashed. It appears to have been seized in case under Section 306 IPC.

6. On scrutinising the materials on record, this Court notes that there are no specific allegations against the respondents for treating the petitioner with cruelty on account of dowry demands. Even if the petitioner's plea that she was being pressurized to encash FDR to repay the loan obtained by her husband is taken as correct, it cannot be inferred that the respondents were liable for commission of offence punishable under

Section 498A IPC. It was petitioner's duty as well to assist her husband and other family members in their hour of need to repay the loan taken for construction of a house. Non-payment of the loan amount and other attending circumstances forced Ranjeev Jha to commit suicide. The respondents who lost their near and dear one are also the victims. The allegations in the complaint are subsequent to the registration of the FIR under Section 306 IPC against the petitioner and others and cannot be taken on their face value.

7. The Courts below have discussed all the relevant aspects and the orders based on fair appreciation of the facts warrant no intervention.

8. I find no merit in the petition and it is dismissed.

MAY 05, 2016/sa

S.P.GARG, J.