

\$~38

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

+ W.P.(CRL) 1162/2017 & CrI.M.A. 6532-33/2017

SANJAY KUMAR & ORS Petitioners

Through: Mr. Sushil Kumar Pandey, Adv.

versus

STATE OF NCT OF DELHI & ANR Respondents

Through: Mr. Avi Singh, ASC for R-1/State
And Ms. Anya Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **21.04.2017**

This criminal writ petition invoking Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) prays for issuance of a writ in the nature of certiorari to quash first information report (FIR) No. 479/2016 of police station New Usmanpur involving offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (IPC) and Section 4 of Dowry Prohibition Act, 1961. The FIR has been registered at the instance of the second respondent, he being the father of Shashi Kala @ Saloni who was statedly married to the first petitioner (Sanjay Kumar) on 16.4.2009 as per Hindu Rites and Customs, the second petitioner (Ram Swaroop) and third petitioner (Preema Devi) being his parents.

On service of advance copy respondent/State has appeared through Additional Standing Counsel seeking to resist the petition. The police file relating to investigation of the FIR has been submitted for perusal.

The learned counsel for the petitioner has been heard and the record has been perused.

Shashi Kala, the daughter of the first informant and the wife of the first petitioner died on 14.08.2015 after prolonged illness. According to the allegations made in the FIR registered on 4.6.2016, during her stay in matrimonial home, in the society of the petitioners, Shashi Kala had been subjected to cruelty including by way of pressure tactics to coerce her to arrange money from her parental family which, if correct, would constitute offence punishable under Section 498A IPC. The case is still at initial stages of investigation. It cannot be said at this stage that the allegations in the FIR are false or *per se* unbelievable. The contention of the petitioners that the FIR has been lodged after the death of Shashi Kala only with the intent of extorting money or on false grounds cannot be answered without addressing the questions of facts which it would not be possible to do in proceedings arising out of writ jurisdiction.

In the above fact situation, this Court is not inclined to interfere in the investigation at this stage of the process.

The petition is disposed of with these observations.

R.K.GAUBA, J

APRIL 21, 2017

nk