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

+ CRL.M.C. 3677/2016

VEENA YADAV & ORS.

..... Petitioners

Through: Mr.Vikas Yadav and Ms.Neha Yadav,
Advocates with petitioners in person.

versus

STATE & ANR.

..... Respondents

Through: Ms.Manjeet Arya, APP for the State.
SI Dharmvir Singh, PS CWC Nanak
Pura.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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31.08.2017

The petitioners are relatives of husband of deceased Suman Yadav. It is noted that husband of deceased Suman Yadav predeceased her. He had also committed suicide. On the complaint of brother of the deceased FIR no. 273/2011 under Sections 306/34 IPC was registered at PS Paschim Vihar. Petitioners are mother-in-law, brother-in-law (jeth) and sister-in-law (jethani) of deceased Suman Yadav. As per investigating officer, no sufficient material was there against the petitioner, therefore, they are put in column no.12. However, learned Metropolitan Magistrate vide order dated 25.06.2015 summoned the petitioners.

The petitioners filed Criminal M.C.4977/2015 under Section 482 Cr.P.C. in this court, which was allowed vide order dated 07.12.2015 with the following observations:

“In the present case, there are four accused and all in column no.12. however, the learned trial Judge has issued summons against accused nos. 1 to 3 and not against respondent no. 4. In such a situation, the learned Magistrate ought to have pass the reasoned order as to what is the material and against which of the accused. There is no reason in order dated 25.6.2015 that what is material against the petitioners to summon and why the 4th accused not be summoned.

In view of the above, I set aside the order dated 25.6.2015 with liberty to the trial Court that if any material is found against the petitioners, it shall pass a reasoned order, as per the law. In view of the above, the petition is allowed.”

After remand, the learned Metropolitan Magistrate, on perusal of the charge-sheet, has again summoned the petitioners vide order dated 04.06.2016. That is how the petitioners are before this court by way of the present petition. The relevant portion of the impugned order reads as under:

“Heard. Perused. From the perusal of the charge-sheet and other documents and the statement of witnesses, court is of the view that the specific allegations have been made against the accused Veena, Kushal Pal Yadav and Santosh Yadav. However, there are no specific allegations against Parveen Yadav.

The complainant had appeared in the court and had stated that he does not wish to pursue with the present case. However, admittedly no quashing petition has been filed in the Hon’ble High Court of Delhi till date. Offence under Section 306 IPC is non-compoundable.

In these circumstances, let summons be issued to the accused Veena Yadav, Kushal Pal Yadav and Santosh Yadav through IO/SHO concerned.”

Vide order dated 07.12.2015 learned Metropolitan Magistrate directed to pass reasoned order if any material is found against the petitioners. Yet again, a non-speaking order has been passed. It has not been detailed as to what material was there against which of the petitioners and in the statement of which witnesses.

Impugned order is set aside. The matter is remanded back to the trial court for passing a reasoned order in terms of the order dated 07.12.2015.

The petition is disposed of in the above terms.

A.K. PATHAK, J

AUGUST 31, 2017

Raj Bala