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

+ W.P.(CRL) 1527/2018

BIMLA CHAUDHARY

..... Petitioner

Represented by: Mr. Ritesh Agrawal, Mr.
Tushar Jalan and Mr. Sohel
Rishabh, Advocates.

versus

GOVT OF NCT OF DELHI & ORS

..... Respondents

Represented by: Mr. Sanjay Lao, Additional
Standing Counsel for State with
Ms. Hemlata Rawat and Mr.
Siddharth Sindhu, Advocate
with Inspector Yogeshwar
Singh, PS Kalkaji.
Mr. Rakesh Malviya and Mr.
Shubhank Choudhary,
Advocates for respondent No.5.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

19.09.2018

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1. By this petition, petitioner seeks directions to respondent No.1 to transfer the investigation in case FIR No. 534/2016 under Sections 498A/34 IPC registered at PS Kalkaji to Crime Branch, Delhi or any other independent agency and also to conduct a free, fair and expeditious investigation.

2. On a notice being issued a status report has been filed. As per the status report the above noted FIR was registered on the complaint of the petitioner, who is the mother of the deceased Abha Choudhary, received on

W.P.(CRL) 1527/2018

page 1 of 3

29th August, 2016 after Abha Choudhary was admitted to the hospital on 8th August, 2016 being in comma for nearly one year thereafter.

3. Learned Additional Standing Counsel for State submits that Abha Choudhary was admitted by her husband in the hospital on 8th August, 2016 wherein she slipped in comma and continued to be in comma for a period of more than one year and thus her statement could not be recorded. Initially the petitioner levelled no allegations against the husband however, on the complaint dated 29th August, 2016 the above noted FIR was registered.

4. In the complaint the petitioner alleged that her daughter married Amal Sharma who represented himself to be a bachelor. The marriage was performed at Arya Samaj Mandir and later on registered in the office of Additional District Magistrate, District South on 9th December, 2014. She stated that her daughter used to inform her telephonically that her husband and in-laws were pressurising her to transfer all her property and forced her to name her husband as a nominee in the various fixed deposits amounting to more than ₹5 crores. Due to the said pressure her daughter executed a Will regarding all her assets in favour of her alleged husband. Later in March, 2016 her daughter came to know that her husband is already married with one Jyoti and was also having a son from the said marriage. On 11th August, 2016 she received a call from the clinic assistant of her daughter who stated that her daughter was admitted in the Moolchand Hospital in unconscious condition.

5. Since no statement of Abha Choudhary could be recorded till 18th August, 2017 when she died as she continued to be in comma, initially the FIR was registered under Section 498A/34 IPC however, during the course

of investigation affidavits and certificates were taken from the Registrar of Marriage where Amal Sharma had claimed himself to be a bachelor and the documents were sent to the FSL for verification of the signatures. On receipt of FSL report Sections 420/468/471 IPC have also been added.

6. Though the complainant claimed that her daughter died due to ill treatment however, as per the post mortem report the cause of death was shock as a result of septicaemia. A perusal of the post mortem report reveals that puss was filled in the lungs of the deceased resulting in her condition as noted above. Thus apparently the death being due to an ailment and not due to murder, suicide or poisoning, no further directions are required to be passed by this Court.

7. Learned Additional Standing Counsel for the State on instructions further states that during the course of investigation Section 494 IPC will also be added and charge sheet will be filed within four weeks.

8. In view of the statement of learned Additional Standing Counsel for State no further orders are required to be passed.

9. Petition is disposed of.

MUKTA GUPTA, J.

SEPTEMBER 19, 2018

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W.P.(CRL) 1527/2018

page 3 of 3