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

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Judgment delivered on: 24.07.2018

+ CRL.M.C. 3930/2014 & CrI.M.A.13460/2014

INDRAWATI & ANR.

..... Petitioners

versus

STATE & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr.Prithvi Singh, Adv.

For the Respondent: Mr.Sanjeev Sabharwal, Addl. PP for the State with
SI Manish Kumar, P.S.Vasant Kunj North.
Mr.Sachin Pahwa, Adv. with respondent No. 2.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

24.07.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioners impugn order dated 30.06.2012 whereby charge has been framed against the petitioners under Sections 498A/34 of the IPC. Petitioners further impugn order dated 24.05.2014 whereby the Trial Court has dismissed the application of the petitioners to summon the records from the Crime Against Women Cell and for supply of copies thereof to the petitioners.

2. Subject FIR was registered consequent to a complaint given by respondent No.2. In the complaint respondent No.2 has given several instances of demand of money, jewellery as well as property being made against her and her family members. Respondent No.2 has also given the details of the cruelty which is alleged to have been meted out to her by the petitioner as well as his family. Complaint was initially before the Crime Against Women Cell. Thereafter the complaint was referred to the Police Station Vasant Kunj whereafter a chargesheet has been filed. After going through the documents submitted along with the chargesheet, the Trial Court was of the view that the charges under Section 498A/34 of the IPC ought to be framed against the petitioners. Accordingly, charges have been framed by the order dated 30.06.2012 impugned herein.

3. I have perused the records of the case. Respondent No.2 in her complaint has categorically stated that she was married to the petitioner on 22.06.2004. Her parents spent approximately Rs.10 lakhs as per their status and had given several articles and jewellery, ornaments etc besides household goods and a car. She has further alleged that the money which she was carrying was taken by her in-laws and thereafter there were demand of Rs.5 lakhs in cash and one MIG flat. She has also made allegations of her not being treated properly and being treated with cruelty. She has also given specific dates with incidents.

4. Prima facie the allegations levelled raise grave suspicion and I do not find any infirmity with the order of the Trial Court framing charges against the petitioners, however, this is without prejudice to the rights and contentions of the parties and without expressing any opinion on the merits of the case.

5. Learned counsel for the petitioner submits that the entire allegations are false and there are admissions by the complainant that the allegations in the FIR are false. He relies on the testimony of the respondent to contend that she left the matrimonial home on 18.01.2005 . He also relies upon some photograph to contend that the allegations in the FIR are false.

6. I am unable to accept the submission of learned counsel for the petitioners. The case of the prosecution is to be tested at trial. The complainant would have to prove the allegations made by her of demands of dowry and cruelty being meted out to her. Further, learned counsel for the petitioners is unable to point out to the admissions.

7. The admission that she left for her parental home on 18.01.2005 does not in any way show that her complaint is false as the dates and instances given by the complainant are of a period prior to 18.01.2005. In any case, prosecution has to still prove its case. In so far as photographs are concerned, the Petitioners would have to prove the same in accordance with law and they would be considered by the

Trial Court, if produced by the petitioners, in accordance with law at an appropriate stage.

8. Now coming to the order dated 24.05.2014 whereby the application of the petitioners to summon the records from the Crime against Women Cell has been dismissed.

9. The learned APP informs that all documents filed along with the chargesheet have been duly supplied to the petitioners.

10. The Trial Court in the impugned order dated 24.05.2014 has held that in case there is any evidence or record which the accused wishes to be produced before the Court, he would have an opportunity at an appropriate stage to produce the same.

11. I am in agreement with the view taken by the Court. If the petitioner wishes to produce any evidence he will have an opportunity to produce the same at the time when he chooses to lead defence evidence.

12. I find no merit in the petition. The petition is accordingly dismissed

13. The Trial Court record be transmitted back to the Trial Court forthwith.

JULY 24, 2018/rk

SANJEEV SACHDEVA, J