

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

% *Judgment Reserved on: 26th September, 2018*
Judgment Delivered on: 3rd October, 2018

+ **W.P.(CRL.) 3486/2016**

INDRAJIT KUMAR SINGH

..... Petitioner

Represented by: Mr.A.K.Srivastava and Mr.Arvind
Tiwari, Advocates

versus

THE STATE (GOVT OF NCT OF DELHI)
& ORS.

..... Respondents

Represented by: Mr.Rahul Mehra, Standing Counsel
for the State with Mr.Jamal Akhtar
and Mr.Chaitanya, Advocates and
ASI Virendera Singh, PS Crime
Branch.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

1. By this petition, the petitioner seeks directions to respondents to conduct a fair and thorough inquiry into the case and the circumstances of the death of petitioner's wife Late Smt.Aahana Rajput who died on 16th August, 2014 allegedly by committing suicide while living with her parents, brother and sister at Police Colony, Narela, Delhi as also registration of FIR based on the complaints and information provided by the petitioner to the respondents.

2. Case of the petitioner is that he had married Ms.Aahana Rajput on 17th February, 2014 at District Vaishali Vihar and after the marriage the couple lived at the native village for about 20-25 days, whereafter on the insistence of the petitioner's wife they came to Delhi and resided with the father of the petitioner at his Government accommodation at Sarojini Nagar

for about 10-12 days whereafter his wife went to her parents' house. On 16th August, 2014 the petitioner received a phone call at about 11:30 PM from his father-in-law informing that his wife has died. Petitioner got to know that she was taken to Raja Harish Chandra Hospital and when he reached there around 2:00 – 2:30 AM on the night intervening 16th and 17th August, 2014 he came to know that his wife had been taken to Government Hospital Jahangir Puri where she was found in the mortuary. Petitioner suspected some foul play and expressed his suspicion which was brushed aside. The dead body of the petitioner's wife was not handed over to him though petitioner and his family wished to take the dead body of his wife to their native place for performing the last rites. On 17th August, 2014 her cremation was performed at Narela Ground when petitioner, his family members and the priest were present. After collecting the ashes on 17th August, 2014 the petitioner went back to his native village for its immersion and performing other rituals whereafter the petitioner along with his family came back to Delhi on 2nd September, 2014. On coming to Delhi, they came to know that FIR No.1057 dated 18th August, 2014 under Sections 498A/304-B/34 IPC was registered at PS Narela on the complaint of the petitioner's father-in-law falsely alleging dowry demand by the petitioner and the family members. On 15th October, 2014, petitioner requested the Principal Secretary (Health) to get the post-mortem report re-examined by a Medical Board. It was later revealed that the viscera of the wife was not preserved and thus the same was not sent for forensic analysis. Petitioner contends that his wife was involved in an affair with the cousin of her friend even before marriage and the present marriage was forced by her parents against her wishes and that she had attempted to commit suicide earlier as

well. For this reason immediately after marriage the wife of the petitioner did not reconcile and started living at her parents' house. She also got terminated her pregnancy. Petitioner apprehends that since his father-in-law is working in Delhi Police, he got a false FIR registered which is full of discrepancies and foisted a false case on the petitioner and his family members. In this regard, the petitioner had filed a W.P.(Crl.) No.2340/2014 before this Court inter-alia seeking directions to respondents to conduct a fair and thorough inquiry into the case and circumstances of the death of the petitioner's wife and to bring real culprits to book. The petitioner also filed a complaint with the Cyber Crime Cell EOW requesting to investigate his wife's facebook profile activity to safeguard the essential digital evidence and prevent further damage and to register FIR thereon. Despite repeated requests, nothing was done rather charge sheet under Section 173 Cr.P.C. was filed keeping petitioner and his father in column No.11 and the mother of the petitioner in column No.12.

3. On a notice being issued, a status report has been filed by the State followed by three further status reports. As per the first status report, a PCR call was received on 16th August, 2016 which was recorded vide DD No.52A at PS Narela regarding admission of Aahana d/o Shambhu, aged 21 years by her mother at SRHC Hospital, Narela where she was declared brought dead. SI Amit reached the hospital and collected the MLC. Crime team was called at the spot and one chunni was found wrapped at the ceiling fan which was taken into police possession. Since Aahana was married on 17th February, 2014, the SDM was called and statement of father of Aahana was recorded who stated that he got married his daughter with the petitioner on 17th February, 2014. After sometime his daughter came back to his house

and did not return to her in-laws house. His son-in-law i.e. the petitioner used to visit their house on regular basis and sometimes he stayed at their house also for 7 to 8 days. His daughter used to complain that after marriage, petitioner threw watch and ring on her face and slapped her. Her mother-in-law was always angry with her for not fulfilling her dowry demand. She demanded a car also. The petitioner used to beat his daughter number of times. He pacified his daughter and gave a cheque of ₹5 lakhs to father of the petitioner but he did not take the cheque and demanded cash. Thus he gave him ₹5 lakhs in cash. When the complainant wanted to send back his daughter, father of the petitioner insisted that before sending the daughter, there should be a meeting between the parties. On 16th August, 2014 a notice from Delhi Commission for Women was received by him. When he asked Vimal Singh (father of the petitioner) to fix the time for meeting, however, he did not revert back. He kept the notice on the table which was read by his daughter however he took back from her. The complainant consoled his daughter telling her not to worry and things will be alright, such things keep happening in the families to which she told that they would kill her and she would not go to her matrimonial home. He went to his duty at 8:00 PM whereafter his daughter committed suicide due to the notice/summon from Delhi Commission for Women.

4. During investigation, site plan was prepared and as per the post-mortem report, cause of death was congestion and asphyxia due to hanging. Petitioner and his father were granted anticipatory bail. Further opinion was also sought from the autopsy surgeon who opined that the ligature mark found on the neck was possible from the ligature material i.e. the chunni. On the allegations of the petitioner inquiry was conducted. Statements of

family members and neighbours of Aahana were recorded which did not reveal that Aahana had any affair with someone nor the so called friend of Aahana could be traced. Abortion had to be done due to the death of the foetus.

5. Detailed inquiry was conducted qua the five numbers given by the petitioner out of which one was of the mother of Aahana and the other of Aahana and rest three numbers belonged to three other persons who did not know Aahana and had no contact with her. As regards the facebook account on investigation it was found that the said account was accessed twice after 16th August, 2014 in the month of August, 2014 from IP 223.176.8.180 on 29th August, 2014 at 08:06:25 IST and from IP 106.218.7.206 on 26th August, 2014 at 13:27:28 IST. Both the IPs belong to Airtel and notice was sent by an e-mail to the service provider to know the details of the user of the above said IPs to which a reply was received that they had no record of that time and thus user identity that had accessed the facebook account of Aahana could not be revealed. Request was also made to the Facebook's Law Enforcement but no information was received from the same

6. As noted above, except that after the death of Aahana her facebook account was accessed by two persons who could not be traced, there is no other material to come to the conclusion that there is lacuna in the investigation carried out. The plea of the petitioner that Aahana committed suicide because of her pre-marital affair would be a defence available to the petitioner during the course of trial.

7. As noted above, a similar petition was also filed by the petitioner being W.P.(Crl.) No.2340/2014 which was withdrawn by the petitioner with the following observations on 3rd February, 2014:-

“Status report has been filed. Learned Standing Counsel for the State submits that information provided by the petitioner regarding mobile numbers as well as transcripts will be examined during the investigation. In view of this statement, learned counsel for the petitioner seeks leave to withdraw the petition. Writ petition is disposed of as withdrawn.”

8. The mobile phone numbers etc. have already been examined. Thus, this Court finds no ground to pass any further directions in the writ petition.

9. Petition is dismissed.

(MUKTA GUPTA)
JUDGE

OCTOBER 03, 2018
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