

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

Date of Order: February 13, 2019

+ CRL.M.C. 440/2017

ABHISHEK KUMAR

.....Petitioner

Through: In person

Versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Neelam Sharma, Additional
Public Prosecutor for respondent-
State

Mr. Arvind Kumar, Advocate for
respondent No.2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

(ORAL)

Impugned order of 11th September, 2015 puts petitioner on trial for the offences under Sections 498A/406 IPC in FIR No. 361/2012, registered at police station Pandav Nagar, Delhi. Against trial court's order of framing Charges against petitioner, a revision petition was preferred. The Revisional Court vide impugned order of 26th December, 2016 has dismissed it by observing that at this stage *prima facie* case has to be seen and appreciation of evidence is not required to be undertaken and has relied upon decisions of Supreme Court to hold so.

Petitioner, who appears in person, chooses to argue himself and submits that the entire case set up against him is based on twisted facts and fabricated documents of forceful abortion and on falsehood. Petitioner submits that the marriage in question had lasted only for 47

days. It is submitted that parents of complainant were residing with the complainant at petitioner's house and so, question of subjecting respondent-complainant to cruelty does not arise.

Regarding offence under Section 406 IPC, it is submitted by petitioner that as per the complainant, she had voluntarily left her matrimonial house and had handed over the keys of the house to the Security Guard. It is submitted that while leaving the house, complainant has taken away all her *stridhan* and even the official documents of petitioner. So, it is submitted that no case for trying petitioner for the offence under Section 406 IPC is made out.

Upon hearing and on perusal of impugned order of 11th September, 2015 and the material on record, I find that allegations made against petitioner by respondent-complainant makes out a *prima facie* case to put petitioner on trial for the offences under Section 406 IPC and under Section 498-A IPC. Finding no merit in this petition, it is dismissed while refraining to comment upon the merits of the case, lest it may prejudice petitioner at trial.

भारतमेव जयते (SUNIL GAUR)
JUDGE

FEBRUARY 13, 2019

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