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

% Judgment delivered on: 04.02.2019
+ CRL.REV.P. 730/2016

ANJU

..... Petitioner

Versus

GOVT. OF NCT OF DELHI &ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Anuj Kr.Ranjan, Adv.

For the Respondent : Ms.Meenakshi Dahiya, APP with SI Vikram Singh,
P.S.Karawal Nagar.
Mr.Kishan N.Rana, Adv. for R-2 to 7.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns judgment dated 17.08.2016 whereby the Revisional Court has accepted the revision petition filed by respondents Nos. 2 to 7 and set aside the order on charge and discharged the respondents of the charge under Section 498A/34 IPC.

2. Learned counsel for the petitioner submits that the Revisional Court has erred in not appreciating that there was sufficient material available on record to substantiate framing of charge under Section 498A/34 IPC.

3. Per contra, learned counsel appearing for the respondents Nos. 2 to 7 submits that apart from bald allegations there is no material to substantiate framing of charge and even investigation did not reveal any incriminating material.

4. Subject FIR was registered on the complaint of the petitioner. The marriage between the parties took place in 2005. For the first time a complaint was made on 22.04.2013 after about eight years of marriage.

5. The allegation of the petitioner/complainant is that her husband used to come late and when she used to enquire about it, he used to beat her and thereafter when she used to make a complaint to her in-laws i.e. the respondents they never used to listen to her and also used to beat her.

6. It is alleged that she was thrown out of the house that was given by her father to her and threatened that she should not enter the house.

7. Perusal of the FIR and the complaints show that in one breath the petitioner has named all the family members without any specific role being ascribed to any one of them. Though there are some instances mentioned vis-à-vis the brother of the father of the husband as also the mother-in-law, however, there are no specifics. It is alleged that once when she had gone to the kitchen on the asking of her husband's uncle she smelt a foul smell coming in the kitchen and

suspected that there was gas leakage. With regard to the mother-in-law the allegation is that she had attempted to give her some disinfectant mixed in the milk. There are no specifics given as to when these instances allegedly happened or any evidence to substantiate or corroborate said allegations.

8. The Revisional Court in the impugned order has held as follows:-

“18. The case of the complainant, as narrated In the charge-sheet, is that the accused Dinesh Kumar @ Sonu used to come to the house In late night and whenever she enquired from him about the reason for late coming, he used to beat her. It was further case of the complainant that whenever she complaint about late coming of her husband Dinesh Kumar @ Sonu to the petitioners, they did not listen her and used to beat her. Therefore, the only allegation against the petitioners was that they did not listen the grievance of the complainant and they used to beat her.

19. It is further evident that petitioner No. 4, 5 and 6 are distant relatives of the accused Dinesh Kumar @ Sonu being chacha, chachi and bua. They are residing separately.

20. As observed above, the allegations against the petitioners are quite general and unspecific. The complainant has not mentioned any date, time, month or year when she was subjected to beating by them.”

9. Revisional Court has in my view committed no error in coming to a conclusion that apart from general and omnibus allegations roping

in all the relations, there is no material on record to justify framing of charge under Section 498A/34 IPC. It may be noted that charge has already been framed against the husband and he is facing trial.

10. For a charge to be framed, the evidence gathered by the prosecution should not only give rise to suspicion but there should be grave suspicion that the accused have committed the offence.

11. In the present case apart from bald, omnibus allegations without their being any specifics about date time or place, there is no incriminating material found by the prosecution even during investigation to give rise to grave suspicion against the respondents.

12. There is no error or infirmity in the impugned order and as the same does not warrant any interference in the exercise of powers under Section 401 Cr.P.C.

13. In view of the above, the petition is dismissed. There shall be no order as to costs.

14. Order *dasti* under signatures of the Court Master.

FEBRUARY 04, 2019
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SANJEEV SACHDEVA, J