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

+ **CRL.REV.P. 1154/2019**

ANKIT KHARE & ANR.

..... Petitioners

Through Mr S.K. Giri with Mr Arbind Kumar,
Advocates.

versus

STATE & ANR.

..... Respondents

Through Ms Kusum Dhalla, APP for state.
ASI Vijay Pal Singh, P.S. EWE Nanak Pura.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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28.01.2020

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 06.07.2019 passed by the learned ASJ, Special Judge, Dwarka Courts (SW), in Crl. Rev. No. 44/2018 captioned as '*State of NCT of Delhi v. Ankit Khare & Anr.*'.
2. The petitioner also impugns a consequential order dated 04.09.2019 passed by the learned Metropolitan Magistrate (Mahila Court) Dwarka, New Delhi in Crl. Case No. 134/2017 captioned '*State of NCT of Delhi v. Ankit Khare & Anr.*'.
3. The petitioner is, essentially, aggrieved by the impugned order dated 06.07.2019 inasmuch as, the learned ASJ has directed framing of charge for commission of an offence under Section 498-A of the IPC.
4. Initially, the learned M.M. (Mahila Court) had not framed any such

charge as, according to the learned M.M., there was no allegation/material warranting framing of any such charge. Aggrieved by the said decision, the State had preferred a Revision Petition before learned ASJ (Crl. Rev. No. 44/2018) and the same was allowed by the impugned order dated 06.07.2019.

5. The learned counsel appearing for the petitioner submits that there is no allegation regarding demand of any dowry and therefore, the charge for commission of an offence under Section 498-A of the IPC is not made out and the learned ASJ erred in framing any such charge.

6. A plain reading of Section 498-A of the IPC indicates that if a husband or relative of a husband of a woman subjects a woman to cruelty, he will be liable for punishment. The Explanation to Section 498-A of the IPC provides for the definition of cruelty. In terms of explanation (a), any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or (b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand/any unlawful demand for any payment or value security, constitutes cruelty.

7. Thus, cruelty against a woman does not necessarily have to be in relation to a demand for dowry. A cruel conduct which is likely to drive a woman to commit suicide or cause grave injury (mental or physical) to her would also constitute cruelty punishable under Section 498-A of the IPC.

8. In the present case, the complainant (wife of petitioner no.1 and

daughter-in-law of petitioner no.2) has made specific allegation regarding the cruel treatment meted out to her by the petitioners. She had alleged that she had to face abusive language on petty issues. It is stated that the petitioners also used abusive language against her parents. She had also alleged that she was subject to physical assaults. She has described one such incident where mother of petitioner no.1 had attacked her with knife. She had also stated that on giving birth to a daughter, petitioner no.2 had taken away her daughter and had not permitted the complainant to take care of her. She has also mentioned a specific instance of violence. She alleged that after ten to twelve days of the delivery of her child, petitioner no.1 had physically beaten her. It is also important to note that the complainant had also specifically alleged that she was unsuccessful in keeping the petitioners and other family members happy because they were expecting money and articles from her parents such as a motorcycle, car and other articles. Although her parents had fulfilled most of their demands, but the petitioners had not reduced their demands.

9. Considering the allegations and totality of the circumstances, this Court finds no infirmity with the decision of the learned ASJ in directing that a separate charge for committing an offence under Section 498-A of the IPC be framed.

10. The petition is unmerited and is, accordingly, dismissed.

VIBHU BAKHRU, J

JANUARY 28, 2020

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