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

+ CRL.REV.P. 363/2019 & CRL.M.A. 6468/2019

RAMPAL SINGH & ANR

..... Petitioners

Through: Mr Jatan Singh, Mr Manoj Kumar  
and Mr Shailesh Anand, Advocates.

versus

STATE

..... Respondent

Through: Ms Kusum Dhalla, APP for State with  
Insp. Balbir Singh, PS S. B. Dairy.  
Mr B. P. Vaishnav, Mr Pawan  
Kumar, Mr Bharat Singh, Mr Prem  
Prakash, Mr Syed Faraz Ali and Mr  
Sudhanshu Kumar, Advocates for  
complainant.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**

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**18.02.2020**

1. The petitioners have filed the present petition, *inter alia*, impugning orders dated 16.02.2019 and 05.03.2019, whereby the learned Trial Court had framed charges under Section 304B of the IPC against the petitioners.
2. The petitioners are the parents-in-law of the deceased. The marriage of the deceased was solemnized on 01.12.2016. However, prior to that date, the deceased and the son of the petitioners (Sarvpriya Singh) had already married each other at Arya Samaj Mandir on 27.09.2016. It is alleged that the deceased committed suicide on 12.08.2017, which was less than nine months after her marriage. In view of the above, an FIR bearing No.0467/2017 under Sections 304B/498A/34 IPC and Sections 3/4 of the

Dower Prohibition Act, 1961 was registered with PS Shahbad Dairy. The said FIR was registered at the instance of the mother of the deceased. She had alleged that her daughter was tortured by her husband (Sarvpriya) as well as his family members. The FIR also records the allegations made by the complainant regarding demands for dowry and other gift articles.

3. It is relevant to note that after investigation, a chargesheet was filed. However, it did not include any charge under Section 304B IPC against the petitioners. The charge sheet indicated that the investigation had revealed that the demands of dowry had been made by the family members of the husband of the deceased including the petitioners and, therefore, offences under Sections 498A/34 IPC read with Dowry Prohibition Act, 1961 were committed by the petitioners as well. But, no material for alleging commission of offence under Section 304B IPC against the petitioners was found.

4. Notwithstanding the above, the Trial Court has framed a charge under Section 304B IPC against the petitioners.

5. The chargesheet relies heavily on the statements made by the family members of the deceased. A plain reading of the statements of parents of the deceased as well as her sister does not indicate any specific instances, which could be construed as the petitioners torturing or tormenting the deceased. One of the statements indicate that the deceased had made a complaint before the CAW cell and, therefore, the parents-in-law of the deceased had moved out of the house within a month of the marriage. Further, their residence was not in the vicinity or immediate neighbourhood of the residence of the deceased and her husband. Mr Jatan Singh, learned

counsel appearing for the petitioners submitted that the petitioners had moved their residence to a place, which is about 26 kms away from the residence of the deceased and her husband.

6. Although, statements made by parents of the deceased as well as her sister do indicate several incidents of demand of dowry and ill treatment during the initial period (one month) of the marriage of the deceased with Sarvpriya Singh; there does not appear to be any specific incidents or allegation of subjecting the deceased to torture or cruelty by the petitioners, thereafter. The parents of the deceased have not made any such allegation. However, the sister of the deceased has stated that even after the petitioners have moved to a different location, they continued to interfere in the married life of the deceased and her husband. It is also alleged that the mother in law (petitioner no.1) of the deceased used to influence her son that she could get him married again.

7. The family members of the deceased have also reported that one day prior to the incident, there was a quarrel between the deceased and her husband (Sarvpriya) and they had also visited their residence to resolve the disputes. It is alleged that, thereafter, the deceased had telephonically expressed her apprehension that her husband (Sarvpriya) would kill her. Although, there appear to be some specific allegations against the husband of the deceased; there appears to be no material which would raise any grave suspicion against the petitioners of committing any offence under Section 304B IPC. They no longer resided in the same premises and their alleged conduct during the initial period after the marriage of the deceased cannot be construed as a cause for the deceased to take the drastic step. In this view,

the investigating officer had rightly suggested that no charge under Section 304B IPC be framed against the petitioners.

8. In the circumstances, the impugned orders to the extent that a charge under Section 304B IPC had been framed against the petitioners, are unsustainable and they are set aside to the said limited extent.

9. It is clarified that the petitioners shall be tried for committing offence under Section 498A IPC read with Section 3/4 of the Dowry Prohibition Act, 1961.

10. The petition is allowed in the aforesaid terms. The pending application is also disposed of.

**VIBHU BAKHRU, J**

**FEBRUARY 18, 2020**  
**MK**