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

+ **CRL.REV.P. 937/2019 & CRL.M.A. 35215/2019**

REKHA SHARMA Petitioner

Through: Ms Anushree Kapadia, Advocate.
versus

STATE Respondent

Through: Ms Meenakshi Chauhan, APP for
State.
Mr Ghanshyam Sharma, Advocate for
R-2.

AND

18.

+ **CRL.REV.P. 1085/2019 & CRL.M.A. 38165/2019**

VED PRAKASH SHARMA & ORS. Petitioners

Through: Mr Rajat Aneja, Advocate.
versus

STATE Respondent

Through: Ms Meenakshi Chauhan, APP for
State.
Mr Ghanshyam Sharma, Advocate for
R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **14.02.2020**

1. The petitioners have filed the present petitions impugning an order dated 27.07.2019, whereby the Additional Sessions Judge, Karkardooma Courts had framed charges under Section 304B of the IPC against the petitioners.

2. The petitioner in CRL. REV. P. 937/2019 is the sister-in-law of the deceased (sister of the husband of the deceased) and the petitioners in CRL.

REV. P.1085/2019 are the parents-in-law of the deceased and the brother-in-law (brother of the husband) of the deceased.

3. The petitioners are being prosecuted pursuant to an FIR bearing No.0160/2017 under Sections 498A/304/34 of the IPC registered with PS Welcome. The said FIR was lodged at the instance of the father of the deceased. He had stated that his daughter (since deceased) was married to Neeraj in the year, 2014, and immediately after the marriage, her in-laws started demanding dowry. He stated that his daughter used to tell him that since he did not give a car to her in laws in the marriage, she has been subjected to various taunts by them. He stated that on 27.04.2017, he was informed that his daughter had committed suicide by hanging from a fan.

4. The learned counsel appearing for the petitioner states that only a bald allegation had been made against the petitioners that they had been demanding dowry from the parents of the deceased, and there is no specific allegation as to when and how such dowry was demanded. It is also submitted that since allegations are vague, the Trial Court has erred in framing charges against them. And, the chargesheet did not indicate any material on the basis of which the charges could be framed. It is submitted that in order to frame a charge, there must be material to raise suspicion and in the present case, such material is absent.

5. The learned counsel appearing for the State has drawn the attention of this Court to various statements recorded by the father of the deceased, mother of the deceased and the brother of the deceased. All of them are consistent with reference to the fact that certain dowry demands had been made by the in-laws of the deceased. It is also stated that the deceased had

informed them that her mother-in-law (Pushpa) her father-in-law (Ved Prakash Sharma) and her sister-in-law (Rekha) used to torture her. They also suspect that the said persons and the brother-in-law of the deceased (Dheeraj) had killed the deceased.

6. It is the prosecution's case that the death of the deceased was not natural: she had committed suicide. And, this was within seven years of marriage and thus, there is a statutory presumption that the demand of dowry by husband and the relatives of the deceased and had caused her death if it is shown that she was subjected to cruelty or harassment for or in connection with demand for dowry. In the present case the family of the deceased have confirmed that the deceased was tortured and demands for dowry were made.

7. Considering the above, this Court does not consider it apposite to allow the present petition. Undeniably, there is material on record for the petitioners to be charged for the said offences. The question whether such charges can be established is a matter of trial.

8. In view of the above, the petitions are dismissed. The pending applications are also disposed of.

9. It is, however, clarified that nothing stated herein shall prejudice the parties. The Trial Court shall arrive at an independent decision uninfluenced by any observations made herein.

VIBHU BAKHRU, J

FEBRUARY 14, 2020/ MK