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

+ CRL.A. 40/2024

GEETA DEVI

.....Appellant

Through: Mr. Ankur Sharma, Adv.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Hitesh Vali, APP for State with

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

05.09.2024

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1. This appeal has been filed impugning the order dated 19th December 2023, passed by the ASJ, convicting the appellant for offence punishable under Section 344 Cr.P.C and sentencing with SI for one month.
2. The sentence was suspended on 18th January 2024 by the orders of this Court.
3. Counsel for the appellant points out that in the impugned order, the prosecutrix statement has been extracted, as well as that of DW-1, Sunita, who was her neighbour.
4. It is borne out from these statements that the prosecutrix was living with her in-laws since her family had deserted her because of her inter-caste marriage and, therefore, she was unable to give a proper statement and complain in time.
5. DW-1 Sunita also states that five to six relatives of the prosecutrix used to reside with her, along with her children, and she was not allowed to come outside the room alone. The children of the prosecutrix used to go to school



very rarely, but they were not permitted to go outside the room. Accordingly, she was clearly under severe domestic stress, pressure and influence.

6. In background of these testimonies, the Court has perused the impugned order and does not find any justification for having convicted the appellant under Section 344 Cr.P.C.

7. The prosecutrix is a lady who had clearly been placed under some pressure and coercion and has to take care of two minor children. The accused have been acquitted in any event against which no appeal has been filed till date.

8. The observations in the impugned order, particularly, in para 18 regarding '*tendency to falsely implicate has to be checked with a heavy hand*', will have to be measured against facts and circumstances of each case and generic notions cannot seek to put victims of cruelty to be hoisted on their own petard. Acquittal of the accused in any event have taken place. No prejudice is caused.

9. Accordingly, the impugned order is set aside. The appeal is disposed of.

10. Order be uploaded on the website of this Court.

ANISH DAYAL, J

SEPTEMBER 5, 2024/RK

Click here to check corrigendum, if any