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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.REV.P. 778/2024, CRL.M.A. 17995/2024, CRL.M.A.
17996/2024

SMT SHARMILA VERMA AND ANR

..... Petitioners

Through: Mr. Kamlesh Kr. Mishra, Mr. Bibhuti
Bhushan Mishra, Mr. Dipak Raj, Mr.
Prem Shankar Jha and Ms. Renu,
Advocates.

versus

THE STATE NCT OF DELHI AND ANR

..... Respondents

Through: Mr. Sanjeev Sabharwal, APP for State
with SI Rashmi, P.S. Dwarka South.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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31.05.2024

1. By way of present petition filed under Section 397 read with Section 482 Cr.P.C., the petitioners, who are the mother-in-law and brother-in-law of complainant/respondent No.2 respectively, seek setting aside of the order on charge dated 19.01.2024 as well as framing of charge on 07.03.2024.

2. The present matter arises out of a complaint filed by respondent No.2 in CAW Cell, which culminated in the registration of FIR No. 445/2021 under Sections 498A/34 IPC at P.S. Dwarka South, wherein after investigation, charge-sheet came to be filed under Sections 498A/34/406 IPC against petitioner No.1 as well as one *Amit Verma* i.e. husband of respondent No.2 and under Section 498A/34/509 against petitioner No.2. One *Sapna Verma*, wife of petitioner No.2, was kept in Column 12.

Pertinently, vide the impugned order on charge dated 19.01.2024, the



accused persons were discharged for the offence punishable under Section 406 IPC, whereas charges under Section 498A/34 were framed against the petitioners as well as *Amit Verma*. Further, petitioner No.2 was discharged for the offence punishable under Section 509 IPC.

3. Learned counsel for the petitioners contends that the allegations against the petitioners are vague and ambiguous inasmuch as the same are not substantiated by any specific details relating to the date, time or place of the alleged incident(s) forming the basis of the aforesaid allegations. The formal order on framing of charge has also been assailed on the ground that it does not specify as to against which of the accused person, the charges have been framed as neither the names are mentioned nor the details of charge have been mentioned, as required under Section 228 Cr.P.C.

4. The material placed on record reveal that marriage between the complainant and *Amit Verma* was solemnized on 06.02.2017. In her complaint filed with CAW Cell, the complainant alleged that after her marriage, she resided in a joint family comprising of petitioners as well as one *Sapna Verma*, wife of petitioner No.2. It was further submitted that though immediately after the marriage, matrimonial life was normal, however, about one to one and a half years prior to lodging of the complaint, her in-laws started pressurising her to get a sum of Rs.10 lacs from her father for extension of residential flat, as permitted by the society/management. The complainant tried to convince her in-laws that her father, being a retired person was not in a position to fulfil the aforesaid demand as he also had responsibility of two more daughters and one son. At this, all her in-laws instigated her husband against her and also used to pass snide remarks like “*bikhariyo ke ghar se, kangli, chudail, kalmui and*



banjh”, as due to some medical reasons, she could not bear any child. It was also alleged that both her sister-in-law and petitioner No.1 pressurized her to divorce her husband and leave the matrimonial house. It was further alleged that her everyday residence at the matrimonial home was made cumbersome due to continuous taunts by the petitioners and that she was not even allowed to talk to the neighbours or her parents or relatives.

It was further stated that about one year back, she had also called the police after she had been abused by petitioner No.1. However, upon intervention of members of the society and family, the matter was settled, whereby, apology was made and assurance was given that derogatory remarks would not be used in future. She also alleged that after the lockdown (imposed due to COVID-19 pandemic), the petitioners again started pressurizing her to bring Rs.10 lacs from her parents. Due to her objection to the aforesaid demand, she was not even allowed to enter kitchen and her husband was even stopped from maintaining physical relations with her. It was stated that the petitioners as well as complainant’s husband continuously harassed her for dowry demand. On the strength of above allegations, petitioners as well *Amit Verma* were charge-sheeted whereas *Sapna Verma* was kept in Column No.12.

5. It is trite law that at the stage of framing of charge, the Court is only required to evaluate the material and documents on record, with a view to find out whether the facts emerging therefrom, *prima facie* disclose the existence of all the ingredients necessary to constitute the alleged offence. The Court is not required or expected to go into a deep analysis in order to determine the probative value of the material on record. The Court is only required to consider whether there are grounds for presuming that the



offence has been committed by the accused or not. If the Court finds a situation wherein prima facie, there appears a strong suspicion that the alleged offence has taken place, it would be justified in framing the charge against the accused. [Ref. State of Maharashtra & Ors. v. Som Nath Thapa & Ors. reported as **(1996) 4 SCC 659** and State of M.P. v. Mohanlal Soni reported as **(2000) 6 SCC 338.**]

6. In light of the legal position enumerated above and upon a perusal of allegations levelled in the FIR, this Court is of the considered view that Trial Court has rightly framed the charge against the petitioners under the aforesaid sections. Accordingly, this Court finds no ground to interference with the order on charge dated 19.01.2024.

However, insofar as formal order of framing of charge dated 07.03.2024 is concerned, considering that the same is not in the proper format inasmuch as the same does not clarify as to against which accused, the charges have been framed, the same is set aside and the Trial Court is directed to pass a fresh order in this regard.

7. The petition is disposed of in the above terms alongwith pending applications.

8. Copy of the order be communicated to the concerned Trial Court.

MANOJ KUMAR OHRI, J

MAY 31, 2024

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