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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 6329/2024**

SUDESH CHHIKARAPetitioner
Through: Mr. Jaipal Singh, Advocate.

versus

STATE (GOVT. OF NCT OF DELHI) AND ORS.....Respondents
Through: Mr. Sanjeev Sabharwal, APP for State
with SI Shweta, P.S. Tilak Nagar.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
14.08.2024

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1. By way of the present petition filed under Section 528 of the BNSS, 2023 the petitioner, who is the complainant in FIR No. 1181/2015, seeks setting aside of the order dated 03.05.2024 whereby a revision preferred by the petitioner, *inter alia*, assailing the order dated 23.11.2022 passed by the Trial Court for summoning the additional accused namely, *Chaina Devi* i.e. respondent No.2, was dismissed.

2. Pertinently, the petitioner is the wife of deceased/*Sanjeev Kumar* who is the son of respondent Nos. 2&3. The incident in the present case statedly occurred on 12.08.2015. The petitioner claims that she runs a play school and while she was there, a tempo containing household articles being driven by one tempo driver came and told the petitioner that the said goods were sent by *Baljeet Singh*, who is the father-in-law of the petitioner. A perusal of the impugned order would show that on FIR being lodged, the investigation was carried out and charge-sheet was filed against the petitioner's father-in-law and sister-in-law i.e. respondent Nos. 3 and 4 respectively however, her



mother-in-law i.e. respondent No.2 herein, was not sent for trial as there were no evidence against her. The Trial Court also didn't summon respondent No.2. Petitioner was examined in Court and after recording of her testimony, an application came to be filed for summoning respondent No.2 as an additional accused. The premise to file the said application was that when the petitioner reached her home, she found her sister-in-law and mother-in-law present there. The Trial Court after taking into account the deposition of the petitioner, came to the conclusion that the petitioner was not a witness to the alleged incident as she had claimed to be at the play school when tempo, loaded with the household goods, reached there. She herself has claimed that tempo driver informed her that it was being sent by her father-in-law. Insofar as, respondent No.2 is concerned, the petitioner has only stated that when she reached her matrimonial home, her sister-in-law and mother-in-law were present there, who latter abused her. There are neither any allegations nor any averment in the deposition to the extent that it was respondent No.2 who had trespassed in the portion occupied by the petitioner and removed her goods. The petitioner's challenge before the Ld. Sessions Court also didn't find any favour and the same came to be rejected.

3. I have gone through the earlier statements as well as the petitioner's deposition in Court. On a combined reading of the material placed on record as well as the aforesaid, there is no material against respondent No.2. The trial court has rightly not summoned her. The findings of trial court affirmed by the Sessions court do not warrant any interference by this Court. Accordingly, petition is dismissed.

MANOJ KUMAR OHRI, J

AUGUST 14, 2024/ga