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

+ **CRL.M.C. 6971/2024 & CRL.M.A. 26621/2024**

SUSHILA DEVI MITTAL & ORS.Petitioners

Through: Mr. Amit Gupta, Mr. Kshitij Vaibhav
and Ms. Muskan Nagpal, Advocates.

versus

STATE GOVT. OF NCT OF DELHI & ANR.Respondents

Through: Ms. Shubhi Gupta, APP for the State.
SI Raghu Raj Singh, P.S.:
Mandowali.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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04.09.2024

CRL.M.A. 26622/2024 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed of.

CRL.M.C. 6971/2024

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioners impugn order dated 23.08.2023 passed by the learned Additional Sessions Judge, Karkardooma District Courts, New Delhi in case bearing Criminal Revision No. 76/2023, whereby the learned ASJ has been pleased to dismiss the revision petition challenging orders dated 13.02.2023 and 27.02.2023 passed by the learned Metropolitan



Magistrate, Mahila Court, Karkardooma District Courts, New Delhi in case bearing CR Cases No. 1028/2019. By orders dated 13.02.2023 and 27.02.2023 the learned Magistrate had directed the framing of charges and subsequently proceeded to frame charges against the petitioners.

2. Mr. Amit Gupta, learned counsel appearing for the petitioner submits, that the petitioners are the mother-in-law (petitioner No.1), the married sister-in-law (petitioner No.2) and the brother-in-law (husband's brother-petitioner No.3) of respondent No.2/complainant, against whom charges under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') have been framed by the learned Magistrate.
3. Briefly, the genesis of the matter is the marriage of respondent No.2 with one Ajeet Mittal on 26.02.2002, following which respondent No.2 (wife) and Ajeet Mittal (husband) began residing together with the present petitioners. Subsequently however, the husband and wife separated from the rest of the family around January 2003.
4. Mr. Gupta submits, that by reason of certain disputes between the husband and the wife, an FIR bearing No. 412/2017 dated 10.09.2017 came to be filed by the wife against the husband under sections 342/323/506 of the IPC at P.S.: Mandawli Fazal Pur, New Delhi, in which the husband was arrested and subsequently admitted to bail *vide* order dated 12.10.2017.
5. Counsel submits, that respondent No.2's husband tragically committed suicide on 28.08.2017, while the couple were residing separately from the petitioners. That notwithstanding, it is submitted



that a complaint dated 09.12.2017 addressed to the Assistant Commissioner of Police, CAW Cell, New Delhi came to be filed by respondent No. 2 *inter-alia* against the petitioners, which culminated in the registration of FIR bearing No. 0213/2018 dated 01.08.2018 under sections 406/498-A/34 of the IPC at P.S.: Mandawli Fazal Pur, New Delhi ('subject FIR'), which is the subject matter of the present proceedings.

6. Mr. Gupta points-out, that another accused, the younger sister-in-law of respondent No.2 was not brought to trial since her name was not included in the chargesheet filed in the matter.
7. Mr. Gupta has taken the court through the allegations in the subject FIR and chargesheet dated 19.03.2019 which was filed upon completion of investigation in the matter.
8. While taking the court through the chargesheet Mr. Gupta submits, that the allegations came to be made only *in 2017* after inordinate delay, though the husband and wife had been residing separately from the petitioners *since January 2003*. He submits, that a perusal of the allegations would also show that they lack any specificity and are completely vague.
9. Counsel has placed reliance on the recent judgement of the Supreme Court in ***Achin Gupta vs. State of Haryana and Anr.***,¹ to submit that in the said case the Supreme Court has said that criminal proceedings must not be allowed to continue based on vague allegations, since that would be an abuse of law and travesty of justice, which would be

¹ (2024) SCC OnLine SC 759



covered within the grounds enunciated in *State of Haryana & Ors. vs. Bhajan Lal & Ors.*² on which an FIR can be quashed.

10. Mr. Gupta has also drawn attention of this court to the decision of the Supreme Court in *Kamlesh Kalra vs. Shilpika Kalra and Ors.*,³ to point-out that inordinate delay in filing of an FIR has been held by the Supreme Court to be a ground for quashing it.
11. In the circumstances, it is argued that the learned Magistrate has erred in opining that, based on the material filed alongwith the chargesheet, *prima-facie* there are specific allegations against all accused persons, thereby proceeding to frame charges against them *vide* order dated 27.02.2023.
12. Mr. Gupta argues, that the learned ASJ has also failed to appreciate the challenge to the learned Magistrate's orders, in dismissing the criminal revision petition *vide* order dated 23.08.2023.
13. Ms. Shubhi Gupta, learned APP appearing for the State has also made brief submissions in the matter.
14. Upon a perusal of the FIR and the chargesheet filed in the matter, and considering the allegations made therein, this court finds that the allegations ***do contain specifics*** - in terms of giving names of the persons who are alleged to have committed the offences; the approximate time and dates when such offences were committed; the amounts demanded that are subject matter of the proceedings; and other such details, which form sufficient basis for framing of charges.

² 1992 Supp (1) SCC 335

³ (2020) SCC OnLine SC 1493



15. Furthermore, this court is of the view, that by the very nature of the allegations made, such allegations would have to be proved through the deposition of witnesses in the course of trial.
16. In the circumstances, this court is of opinion that it cannot be said that there is no material on record that could form the basis for framing of charges against the petitioners.
17. Needless to add, that it is the settled position of law, that at the stage of framing charge, the trial court does not have to delve into the *truth* of the allegations; nor does it have to *assessor evaluate* the evidence minutely; nor does it have to express an opinion on the value of such evidence.
18. Accordingly, this court finds no reason or justification to interfere in order dated 23.08.2023 passed by the learned ASJ; nor does it find any reason to interfere with orders dated 13.02.2023 and 27.02.2023 passed by the learned Magistrate in the present case.
19. The present petition is accordingly dismissed *in-limine*.
20. Pending applications, if any, also stand disposed-of.
21. It is clarified however, that this court has not expressed any opinion on the merits of the matter pending before the learned trial court.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 4, 2024

V.Rawat