



\$~3

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

% ***Date of decision: 11th November, 2025***

+ CRL.A. 148/2015

GIRENDRA SINGH

.....Appellant

Through: Mr. Varun Seth, Advocate

versus

STATE (NCT OF DELHI) & ORS

.....Respondents

Through: Mr. Nawal Kishore Jha, APP for the State.

Mr. Anurag Jain, Advocate for respondent Nos.2 to 5 with respondent Nos.2 and 4 in person.

CORAM:

HON'BLE MR. JUSTICE VIVEK CHAUDHARY

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T

1. The present appeal has been filed under Section 372 of Code of Criminal Procedure, 1973 and assails judgment dated 23.09.2014 whereby the learned Trial Court has acquitted all the accused of all the charges.
2. The appellant herein is father of Ms. Anshu who allegedly committed suicide, after her marriage.
3. The investigation took off on the basis of information received by M.S. Park, Police Station on 25.01.2010. The information was to the effect that one Ms. Anshu had been admitted in GTB Hospital by her husband in a serious condition and that she had been declared dead by the doctor. The police team visited the hospital and also went to the spot where the incident had taken place.
4. The Executive Magistrate was informed about the incident and crime team was also requisitioned which inspected the spot and took photographs of



the spot. The concerned Executive Magistrate, *inter alia*, recorded statement of Sh. Girender Singh, father of the deceased (appellant herein), who levelled allegations against Mr. Shivank Jain (Husband), his parents Sh. Pramod Kumar Jain and Ms. Sushma Jain and Sh. Shashank Jain (brother of husband). On the basis of the statements made by the parents of the deceased, the Executive Magistrate gave direction for appropriate action and, accordingly, FIR was registered for commission of offences under Section 498-A/304-B/34 Indian Penal Code (in short 'IPC').

5. The investigation revealed that there was love marriage between Anshu and Shivank Jain and after solemnizing Court-Marriage on 18.05.2009, they also performed social marriage on 12.12.2009. They were already in 'live-in' relationship for some years. The investigation also revealed that the deceased was already undergoing psychiatric treatment and the relevant details of her such treatment were also collected.

6. The post mortem, however, revealed that the death was on account of *Asphyxia consequent upon antemortem hanging*.

7. All the accused were charged for commission of offences under Sections 3 and 4 of *Dowry Prohibition Act, 1961* read with Section 34 IPC, 498-A/34 IPC. They were also charged under Section 304-B/34 IPC, in alternate, under Section 302/34 IPC. They all pleaded not guilty and claimed trial.

8. Prosecution examined 27 witnesses in its support and accused examined 7 witnesses in their defence.

9. Accused Shivank Jain also got himself examined under Section 315 Cr.P.C. and made reference to various purchases made by him using his Credit Card. He also referred to various purchases made by his wife through



her HSBC Bank Credit Card. He deposed that they were already in a live-in relationship before their marriage. He also relied on the fact that his wife had sent him an e-mail on 13.11.2009 which clearly indicated that she was in deep love with him and that he was taking full care of her as well as of her parents. He also deposed that when she was taken to one Wellness Centre in Noida, the doctor told that she was suffering from depression. He also claimed that his wife was under treatment of IHBAS for her such problem of depression. He, categorically, deposed that there was never any demand of dowry at any point of time either from him or from his family members and that he never treated his wife with any cruelty. He also deposed that on the date of incident when he reached house at about 10:30 pm, he found that his wife had already committed suicide and he, with the help of his neighbours, took her to hospital. He deposed that there was no interference of his own parents and brother in their marital life as he and his wife were living at a separate place and according to him, his parents and his brother had been implicated merely to extort money.

10. The learned Trial Court, after analysing the evidence led during the trial, came to the conclusion that the prosecution could not prove its case as it was not established on record that any of the accused had wilfully conducted in such a manner which was likely to drive Ms. Anshu to commit suicide and, resultantly, while holding that neither cruelty nor any kind of harassment related to alleged unlawful demand for any property stood proved, all the accused persons were acquitted.

11. Such order is under challenge.

12. According to the grounds taken in appeal, the appellant's contention is that the learned Trial Court has not appreciated evidence in desired manner



and unnecessary importance and weightage has been given to minor and trivial contradictions. It is also asserted that accused Mr. Pramod Kumar Jain was a Police Officer in Uttar Pradesh, who influenced the investigation and, therefore, the investigation was lopsided and defence was able to fabricate certain record in order to show that the deceased was under some medical treatment. It is claimed that the death was under unnatural circumstances within 45 days of her social marriage and there was enough to indicate cruelty and harassment for not meeting demands of dowry and, that the element of cruelty '*soon before her death*' was, clearly, present and established and, therefore, there was no reason to have acquitted the accused persons. It is also mentioned in appeal that it was not a case of suicide, *albeit*, an attempt was made to portray the same and the presence of *ligature mark* was clearly suggesting it to be a case of *homicide*.

13. Fact remains that during course of the arguments, learned counsel for the appellant, in all fairness, submitted that he had instructions to not press the present appeal. He, however, supplemented that while acquitting the accused, learned Trial Court had also directed the father of the deceased to return the case property which had earlier been released to him on *Superdari*. He submits that earlier when the appeal was admitted, such direction was directed to be kept in *abeyance* and prays that it be made absolute.

14. Learned counsel for the accused persons gives his no objection to the above and agrees that accused would not insist for return of case property and let the same be retained by the appellant herein.

15. The learned Trial Court, after carefully perusing their previous statements as well as the statements made during trial, came to a specific conclusion that there were improvements in their respective statements. We



have perused the testimony of the material prosecution witnesses including that of PW-1 Sh. Girendra Singh, PW-2 Ms. Anita Singh (mother of the deceased) and PW-3 Ms. Kavita Chaudhary (sister of deceased). As regards PW-1 and PW-2, it was observed by learned Trial Court that they did not refer to a single specific instance of demand of dowry or cruelty in their initial statements but later on, after passage of some time, they made elaborate statements before police and thereafter before the Court and thus the learned Trial Court was compelled to observe, and rightly so, that had there been actual instances of such specific demands, the witnesses would have mentioned the same at the initial stage itself and, therefore, the possibility of improvement could not be ruled out, particularly, when it was an inter-caste love-marriage.

16. According to the case of prosecution, the deceased had sent SMS messages to her sister, which was indicative of cruelty and harassment on the part of her husband. The Investigating Officer, merely, wrote down the contents of such messages on a piece of paper. Moreover, learned Trial Court, categorically, observed that these messages were not even suggesting any cruelty or harassment in relation to dowry.

17. The learned Trial Court also took note of the deposition of various witnesses examined by the prosecution itself i.e. PW-10 Sh. R.C. Sharma, PW-11 Dr. Brijesh Saran, PW-17 Sh. Om Prakash and PW-22 Dr. Amit Verma whose testimony go on to indicate that not only the deceased Ms. Anshu but her parents also had history of depression. Such medical record could not be dislodged or disproved by them. Their mere allegation that these were got procured under some influence would not cut any ice.

18. PW-11 Dr. Brijesh Saran, who had himself examined the deceased,



much prior to her marriage, has thrown light on the medical history of the deceased and her family. In his deposition, he claimed that Anshu had been suffering from psychiatric disorder/depression since six months prior to 26.08.2005. He also referred to the family medical history of the deceased and admitted that the parents of the deceased also suffered from moderate depression. He categorically denied that such reports were made up to save the accused persons. We also fail to understand as how these reports of the year 2005 could have labeled as procured or forged on mere bald assertion. Said doctor is from Institute of Human Behaviour & Allied Sciences (IHBAS) and has no personal interest in the matter or animosity against any party.

19. PW-22 Dr. Amit Verma, who too had examined Ms. Anshu, deposed that the deceased had been on anti-depressants, and even as per the health history questionnaire, which she had filled up herself, she had been under depression.

20. We don't find anything which may even remotely indicate it to be a case of homicide.

21. This Court is also conscious of the fact that the scope of interference in an appeal against acquittal is a restricted one. Reference be made to *Jagdish God v. State of Chhattisgarh and Others*: 2025 SCC OnLine SC 744, *BhupatbhaiBachubhaiChavda and Another v. State of Gujarat*: 2024 SCC OnLine SC 523 and *Ballu Alias Balram Alias Balmukund and Another v. State of Madhya Pradesh*: (2024) 12 SCC 202. Interference with order of acquittal is warranted where it is demonstrated that there is manifest illegality or perversity in the conclusions recorded by the Trial Court or where trial court's decision is found to be based on an erroneous view of law or where the



entire approach of the trial court in dealing with the evidence was patently illegal or where decision has been given, ignoring material evidence. Appellate Court can interfere with the order of acquittal only if it is satisfied after reappreciating the evidence, the only possible conclusion was that the guilt of the accused stood established beyond a reasonable doubt. The Appellate Court cannot overturn order of acquittal, merely, on the ground that another view was possible. Here, we do not find any perversity in any of the findings.

22. As noted already, even the appellant does not press his appeal.

23. Be that as it may, after careful perusal of matter, the appeal is dismissed. However, as agreed by both the sides, the case property, i.e. istridhan shall not be required to be returned to accused. The appellant would be under no obligation to return the *Superdari* articles and the interim order dated 03.02.2015 is, thus, made absolute.

(VIVEK CHAUDHARY)
JUDGE

(MANOJ JAIN)
JUDGE

NOVEMBER 11, 2025/st/pb