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

+ **CRL.REV.P. 247/2023**

PANKAJ CHAUHAN

.....Petitioner

Through: **Mr. M. P. Sinha, Advocate**

versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: **Mr. Satish Kumar, APP for the State
along with SI Priyanka
Mr. Gautam Khazanchi and Mr. Anuj
Aggarwal, Advocates for
complainant.**

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

13.02.2025

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1. The instant petition under Section 401 read with Section 482 of the Code of Criminal Petition, 1973 (hereinafter “Code”) [now under Section 442 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS”)] has been filed on behalf of the petitioner challenging the order dated 6th December, 2022 (hereinafter “impugned order”) passed by the learned Additional Sessions Judge-05, North, Rohini Courts, Delhi (hereinafter “ASJ”), wherein, charges were framed against the petitioner under Sections 306/506/509/34 of the Indian Penal Code, 1860 (hereinafter “IPC”) and Section 12 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter “POCSO”).

2. The brief facts of the case are that on 23rd March, 2018, at about



11:35 AM, the police received an information regarding the suicide of a 17-year old girl, Ms. K (hereinafter “deceased”) near Kabir Mandir, Bakhtawarpur. Upon reaching the said premises, the police enquired the deceased’s father who had stated that the accused persons, including the petitioner herein were responsible for the suicide of her daughter. Based on the statement given by the deceased’s father, an FIR bearing no. 132/2018 was registered at Police Station – Alipur, Delhi under Sections 306/323/506/509 of the IPC and Section 12 of the POCSO.

3. Thereafter, the police filed its chargesheet under Section 173 of the Code before the learned ASJ, thereby, levelling charges against the accused persons under Sections 306/506/509 of the IPC and Section 12 of the POCSO. Consequently, the learned ASJ passed the impugned order framing charges against the accused persons, including the petitioner herein under Sections 306/506/509/34 of the IPC and Section 12 of the POCSO. Aggrieved by the same, the petitioner has filed the instant petition seeking setting aside of the same.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been falsely implicated by the complainant i.e., deceased’s father in the present case as he has not committed any offence as alleged in the instant FIR. It is further submitted that the said FIR was registered based on the false and fabricated version of the incident narrated by the complainant.

5. It is submitted that the learned ASJ has passed the impugned order in a mechanical and routine manner, without discussing the reasons for framing of each charge against the petitioner.

6. It is submitted that while passing the impugned order, the learned ASJ



failed to consider the contents of the suicide note which reveals that no specific allegations were levelled by the deceased against the petitioner for commission of suicide.

7. It is further submitted that the said suicide note does not mention the name of the petitioner and no specific allegations were made against him in the suicide note as well as the statement under Section 164 of the Code and therefore, no *prima facie* case is made out against the petitioner for framing of charges under Section 306/506/509/34 of the IPC and Section 12 of the POCSO.

8. In view of the foregoing submissions, it is prayed that the instant petition may be allowed and the reliefs be granted as prayed for.

9. *Per Contra*, Mr. Satish Kumar, learned APP for the State vehemently opposed the instant petition submitting to the effect that the learned ASJ has rightly framed charges against the petitioner after considering the material placed on the record.

10. It is submitted that the complaint as well as the statement provided under Section 164 of the Code by the deceased's parents is sufficient material to frame charges under the aforesaid provisions. Moreover, it is a settled position of law that the Court concerned is not required to evaluate the material in entirety and consider the defense of the accused at the stage of framing of charges. Therefore, the learned ASJ has rightly observed that a *prima facie* case is made out against the petitioner, and thus, it is prayed that the instant petition may be dismissed.

11. Thereafter, learned counsel appearing on behalf of the complainant vehemently opposed the instant petition submitting to the effect that there is no sufficient ground for this Court to intervene in the impugned order due to



the limited powers bestowed upon this Court under the revisional jurisdiction for interference in the order passed by the Court below.

12. It is further submitted that upon plain reading of the suicide note and the statement of the deceased's parents under Section 164 of the Code, a case is made out against the petitioner for offences punishable under Section 306/506/509/34 of IPC and Section 12 of the POCSO Act. Therefore, the same was duly considered by the learned ASJ while passing the impugned order.

13. It is submitted that the said suicide note and the statement under Section 164 of the Code reveal that the accused persons namely, Mr. Pankaj Chauhan (petitioner herein), Mr. Ratan Singh and Mr. Data Ram were involved in forcing the deceased's parents to vacate their tenanted premises, thereby, instigating the deceased to commit suicide.

14. It is further submitted that as per the settled law, the defence of the accused cannot be considered at the stage of framing of charges. Therefore, it is prayed that the instant petition, being devoid of any merit, may be dismissed.

15. Heard learned counsel for the parties and perused the record.

16. It is a settled position of law that the revisional jurisdiction conferred upon this Court is limited in nature and therefore, the same cannot be exercised in a mechanical manner. However, the said revisional jurisdiction can be exercised when there is a gross illegality or irregularity in the findings given by the court below. The said principle was encapsulated by the Hon'ble Supreme Court in the case of ***Amit Kapoor v. Ramesh Chander*, (2012) 9 SCC 460**, wherein, it is categorically observed that the revisional jurisdiction can be invoked only when the Sub-ordinate Court has



passed an order which is grossly erroneous and ignored the pertinent evidence on record, however, the same is not exhaustive in nature and differs with every case based on the merits of the same.

17. Therefore, keeping the foregoing in mind, the limited question for adjudication before this Court is whether the learned ASJ right in framing charges against the petitioner herein based on the material available on record.

18. At this juncture, this Court deems it necessary to examine the findings of the impugned order and the relevant portion of the same is as follows –

“8. In statement of KY/father of deceased/victim-recorded under section 164 Cr.P.C there are allegations of filthy abuses against the accused persons, using of vulgar words for victim/deceased, touching body of deceased/victim inappropriately for of putting pressure by accused Mayank Rana @ Golu on the victim for staying with him. In the statement of GD/mother of the victim/deceased also recorded under section 164 Cr.P.C., there are specific similar allegations against the accused persons. Though, no specific name of any accused persons has been given in the suicide note, however, suicide note, when read with statement of parents of the victim/deceased, does point out towards prima facie case against the accused persons.

The Hon'ble Supreme Court of India in Onkar Nath Mishra & Ors Vs. State (NCT of Delhi) & Anr., Appeal (Crl.) 1716 of 2007, held that “it is trite that at the stage of framing of charge the court is required to evaluate the material and documents on record with a view to finding out if the facts emerging therefrom, taken at their face value, disclosed the existence of all the ingredients constituting the alleged offence. At that stage, the court is not expected to go deep into the probative value of the material on record. What needs to be considered is whether there is a ground for presuming that the offence has been committed and not a ground for convicting the accused has been made out. At that stage, even strong suspicion founded on material which leads the court to form a presumptive opinion as to the existence of the factual ingredients constituting the offence alleged would justify the framing of charge against the accused in respect of the commission of that offence.”



In *State of Bihar v. Ramesh Singh* [(1977) 4 SCC 39] considering the scope of Sections 227 & 228 of the Code, it was held that "at the stage of framing of charge it is not obligatory for the Judge to consider in any detail and weigh in a sensitive balance whether the facts, if proved, would be incompatible with the innocence of the accused or not. At that stage, the court is not to see whether there is sufficient ground for conviction of the accused or whether the trial is sure to end in his conviction. Strong suspicion, at the initial stage of framing of charge, is sufficient to frame the charge and in that event it is not open to say that there is no sufficient ground for proceeding against the accused."

9. The contentions raised by Ld. Counsel for the accused persons that there is no instigation on the part of the accused persons which may compel the victim/deceased for committing suicide or that there are contradictions in the statement of witnesses and further that no specific name of any of the accused persons has been given in the alleged suicide note, all these contentions cannot be considered at this stage without giving an opportunity to the prosecution to examine the witnesses and further without giving the accused persons an opportunity to cross examine the witnesses in order to prove their stand.

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19. From the aforementioned extracts of the impugned order, it is observed that the learned ASJ has relied on the material placed on record i.e., the suicide note and the statement made under Section 164 of the Code in order to arrive at a conclusion that there arises a *prima facie* case against the petitioner for the offences punishable under Section 306/506/509/34 of IPC and Section 12 of the POCSO Act.

20. Before advertng to the instant case, it is apposite for this Court to mention the case of *State of T.N. v. R. Soundirarasu*, (2023) 6 SCC 768, wherein, it is precisely observed by the Hon'ble Supreme Court that at the stage of framing of charges, the Courts are only required to evaluate the



material on record to solely determine whether a *prima facie* case is made out against the accused or not. The relevant paragraph of the same is as follows –

“59. Reiterating a similar view in Sheoraj Singh Ahlawat v. State of U.P. [Sheoraj Singh Ahlawat v. State of U.P., (2013) 11 SCC 476 : (2012) 4 SCC (Cri) 21] , it was observed by this Court that while framing charges the court is required to evaluate the materials and documents on record to decide whether the facts emerging therefrom taken at their face value would disclose existence of ingredients constituting the alleged offence. At this stage, the court is not required to go deep into the probative value of the materials on record. It needs to evaluate whether there is a ground for presuming that the accused had committed the offence and it is not required to evaluate sufficiency of evidence to convict the accused. It was held that the court at this stage cannot speculate into the truthfulness or falsity of the allegations and contradictions and inconsistencies in the statement of witnesses cannot be looked into at the stage of discharge.”

21. Furthermore, in the case of ***Tarun Jit Tejpal v. State of Goa, (2020) 17 SCC 556***, the Hon’ble Supreme Court also observed that the submissions made on the merits of the case should be taken at an appropriate stage, including the defence of the accused, as the same is not required at the stage of framing of charges.

22. Therefore, keeping the above-stated law in mind, this Court finds it pertinent to examine the relevant material i.e., statements made by the deceased’s parents under Section 164 of the Code and the suicide note, which were relied by the learned ASJ, in order to determine whether a *prima facie* case has been made out against the petitioner.

23. It is the case of the petitioner that the learned ASJ has not considered



the contents of the statement under Section 164 of the Code and the suicide note while passing the impugned order as the same does not specify either the name of the petitioner or allegations levelled against him.

24. This Court has also perused the statements made by the deceased's parents under Section 164 of the Code. As per the said statements, it is observed that the deceased was taken for a morning walk by one Mayank (co-accused), who would molest her on the pretext of getting her admitted in police. The news about the said molestation came to the notice of deceased's mother and upon inquiry, the deceased admitted about the same. Thereafter, the deceased's parents visited co-accused Mayank's house in order to complain about his said behaviour to his father i.e., petitioner herein. However, the petitioner and Mr. Ratan Singh (co-accused), father and grandfather of the co-accused Mayank, forced the deceased's parents alongwith the deceased out of the petitioner's house. Thereafter, the landlord namely Mr. Data Ram (co-accused) also asked the deceased's family to vacate the premises. Due to the foregoing incidents, the deceased committed suicide by hanging from the ceiling fan and also left a note.

25. Upon perusal of the statements under Section 164 of the Code, the narration of incidents by deceased's parents are identical to each other and the same are also in consonance with the statement given by the complainant at the time of registration of the FIR.

26. At this juncture, it is also pertinent to reproduce the contents of the suicide note, which is annexed as Annexure P-4 to the instant petition –



मम्मी पापा मुझे माफ कर देना पर मैंने कोई भी गलती नहीं की है ।
पर मुझे अब नहीं रहना मैं नहीं जी सकती ऐसे इधर जाओ तो लडके
उधर जाओ तो लडके मेरी जिंदगी खराब कर रहे हैं सब ताकि मैं कुछ
न कर सकूँ पर मुझे अब नहीं जिना मैंने अपनी सारी जिंदगी जी ली
। पापा मैंने सारा काम कर दिया है मेरी वजह से आपको यह कमरा
खाली करना था न पर मैं नहीं रहूंगी तो आप को यह कमरा खाली
नहीं करना पड़ेगा । फिर दोबारा कह रही हूँ मैंने कोई गलती नहीं की
है । दिल्ली के लोग ही मुझे जीने नहीं दे रहे थे । अगर कोई गलती
हुई है तो मुझे सब लोग माफ कर देना ।

27. Upon perusal of the foregoing material, *prima facie*, it is observed that the contents of the suicide note indicate that the deceased was aggrieved about the incidents that took place at the petitioner's house and the said note encompasses such incidents and humiliation underwent by the deceased as well her parents at the petitioner's house and the fact that they were asked to vacate the premises by the co-accused Mr. Data Ram. Furthermore, it is observed that upon conjoint reading of the aforesaid material, the statements made under Section 164 of the Code are supported by the contents of the suicide note, thereby, denoting a *prima facie* case against the petitioner which is sufficient to frame charges in the instant case. Moreover, given the sufficiency of material on record, at this stage, it is necessary to frame charges against the petitioner in order to ascertain the truthfulness and veracity of the instant case at the further stages of trial, in the interest of



justice.

28. Considering the foregoing discussion on law and facts, this Court is of the considered view that the learned ASJ was right in framing charges under Section 306/506/509/34 of IPC and Section 12 of the POCSO Act against the petitioner as *prima facie* case is made out based sufficiency of the material placed on the record to that effect.

29. Given the limited jurisdiction of this Court while exercising revisional powers, this Court finds no reason to interfere with the impugned order at this stage of framing of charge.

30. Therefore, this Court is of the considered view that there is no illegality in the impugned order dated 6th December, 2022 passed by the learned Additional Sessions Judge-05, North, Rohini Courts, Delhi in SC No. 470/2018 and the same is, hereby, upheld.

31. Accordingly, the instant revision petition is dismissed being devoid of any merit, along with pending applications, if any.

CHANDRA DHARI SINGH, J

FEBRUARY 13, 2025

Rk/mk/ryp

Click here to check corrigendum, if any