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

+ **CRL.M.C. 926/2019 & CRL.M.As. 3705-06/2019**

DAVINDER BEDI

.....Petitioner

Through: Mr. Manjeet Singh and Mr. Manish
Sharma, Advocates.

versus

STATE AND ANR.

.....Respondent

Through: Mr. Satish Kumar, APP for the State
with SI Archana, PS-Delhi Cantt.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

17.02.2025

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1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter "CrPC") [now Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023] has been filed on behalf of the petitioner seeking quashing of order dated 25th October, 2017, passed by the learned Metropolitan Magistrate, Patiala House Court (hereinafter "MM") in CC No. 43839/16, arising out of the FIR No. 238/12 and order dated 18th December, 2018, passed by Additional Sessions Judge/Special Judge, CBI-02, Patiala House Court, New Delhi (hereinafter "ASJ") in CR No.07/2018.

2. Learned counsel appearing on behalf of the petitioner submitted that the *vide* the impugned order dated 25th October, 2017, the learned MM erroneously framed charges against the petitioner under Section 498A/406/34 of the Indian Penal Code, 1860 (hereinafter "IPC") which was



subsequently challenged before the learned ASJ in revision, however, the learned ASJ erred in upholding the order of the learned MM.

3. It is submitted that a plain reading of the FIR reveals that no case for the aforesaid offences is made out against the petitioner, who is the mother-in-law of the complainant. He submitted that the Courts below have failed to take into consideration the contents of the FIR in which there are no specific allegations against the present petitioner for making any dowry demand from the complainant or her relatives. It is also submitted that there are no allegations in the FIR against the present petitioner for the offence punishable under Section 406 of the IPC. It is further submitted that the petitioner is an innocent person and, therefore, the Court below have committed error in framing charge for the offences punishable under Sections 498A/406/34 against the petitioner.

4. It is submitted that the learned ASJ has also not considered the facts and grounds as taken in the revision petition while challenging the order dated 25th October, 2017, passed by the learned MM. The learned ASJ erred in rejecting the revision petition without assigning any cogent reason and without application of judicial mind and, therefore, the order dated 25th October, 2017 and order dated 18th December, 2018 are bad in law and contrary to the material and evidence on record. In view of the same, it is prayed that the instant petition may be allowed.

5. *Per contra*, Mr. Satish Kumar, learned APP appearing for the State submitted that there are specific allegations to the effect that mother-in-law of the complainant i.e., the petitioner forced her to part with her jewellery and valuables presented to the complainant by her relatives. Therefore, it is submitted, it is wrong to say that there are no allegations against the



petitioner for the constitution of the said offences.

6. It is submitted that at the stage of charge, the concerned Court is only empowered to peruse the material on record, which is collected by the investigating agency while submitting the charge-sheet and the defence of the petitioner cannot be taken into consideration while framing charge. There is sufficient material on record for primary satisfaction of the Court concerned for the purpose of framing of charge. It is also submitted that the petitioner has not moved any application for discharge and, therefore, the arguments taken by the petitioner may not be taken into consideration by this Court while interfering with both the impugned orders passed by the learned MM and the ASJ. Both Courts have given concurrent findings and it is prayed that this Court may not interfere with those concurrent findings as the petitioner has failed to make out any case for interference.

7. Heard the learned counsel for the parties and perused the contents made in the petition and the impugned orders.

8. For proper adjudication, it would be apposite to refer the relevant paragraphs of the impugned order dated 25th October, 2017 in which reasons have been assigned by the learned MM which have been further upheld by the learned ASJ. The said paragraphs reads as under:

“In the facts of the present case, the complaint of the complainant and the statements recorded by the IO and material on record and that the complainant has stated that accused husband has threatened to her wife and has illicit relationship with his first cousin namely Shiba Bedi (already married to Tony Bedi). She has also stated that her husband has been threatening her and beating her and asking her to leave the house so that he can explore other relationships to further his lineage since no child was born out of the wedlock of the complainant and her husband. She has also Stated that accused mother-in-law demanded all her jewellery



given by the datives of her husband and forcefully took them away from the complainant and accused mother-in-law at the time of attending wedding of the nephew in 2007 harass the complainant by allowing her only one piece of jewellery to wear. Accused husband force the complainant to get money from her father and due to extreme coercion she even asked for money from her father and when she refused to take money from her father then he used to say that he committed mistake in marrying the complainant and would not let her have a child. She also went through 5 IVF ART treatments and accused husband did not provide any emotional support. Accused husband on coming- to know that in 2010 father of the complainant received about Rs. 4.5 to 5 lakhs /- as pension arrears he started pressurizing her to ask for Rs. 2 lakhs/- for booking a flat in Zirak Pur, Punjab and when she refused he punched her in the chest and threatened her to throw her out of the house. In December, 2011, the complainant needed some jewellery to attend wedding of a relative but was denied jewellery by her mother-in-law in the presence of her husband and her husband violent and pushed her against the wall and said that people like her do not deserve to wear expensive jewellery. Considering the aforesaid specific allegations of the complainant in her complaint and the entire charge-sheet and documents on record, therefore, prima facie there is sufficient material on record to frame charges U/Sec. 498A/406/34 IPC against accused T.Y. Bedi and Smt. Davinder Bedi.”

9. Upon perusal of the aforesaid, it is observed that the learned MM has passed a detailed order after considering the entire material on record. It was observed that as per the contents of the chargesheet and the FIR, *qua* the petitioner herein, the complainant has alleged that her mother-in-law, accused Smt. Davinder Bedi, unlawfully demanded and took away her jewellery, which had been gifted to her by the relatives of her husband, and at the wedding of a nephew in 2007, she was deliberately allowed to wear only one piece of jewellery. In December 2011, when the complainant



sought jewellery to attend a wedding, her mother-in-law, in the presence of her husband, denied her request, leading to another act of violence wherein the accused husband pushed her against the wall and humiliated her, stating that she did not deserve to wear expensive jewellery. In view of the specific and *prima facie* allegations substantiated by the complainant's statement, charge-sheet, and material on record, it was observed that sufficient grounds exist to frame charges under Sections 498A, 406, and 34 IPC against the accused persons, T.Y. Bedi and Smt. Davinder Bedi. The relevant paragraphs of the impugned order dated 18th December, 2018, passed by the learned ASJ which has upheld the learned MM's findings reads as under:-

“4. Perusal of the file reveals that criminal law was set into motion when the complainant has given a complaint to the police. Thereafter, the investigation was carried out and charge-sheet was filed in the Court. The complainant in her complaint given to the police has categorically leveled the following allegations against the petitioner :-

- (i) That her mother in law force her to part with jewellery silver items and valuables such as two expensive gold plated watches and cash that were presented to her by her relatives.*
- (ii) That her mother in law has kept the jewellery in the locker with her younger son.*
- (iii) That her mother in law has been repeatedly harassing her to return the jewellery or to face dire consequences.*
- (iv) That she has being taunted by her parents in law on her inability to have children.*
- (v) That her mother in law got very angry and verbally abused her.*
- (vi) That her mother in law taunted her that her presence in their*



house was evil and inauspicious since she had already declared her “barren” (Baanjh).

(vii) That when her parents in law heard raising voice of her husband, they both rushed into the room and joined him in berating her of being barren and said that her presence shall bring back luck to the family and that she should not attend the auspicious occasion. They said that she was from a family beggars (Bheekmange). They told her that this was their sons house and she should do exactly like they says and asked parents to send the money. After this, she was allowed to attend no other wedding function, under the pretext that she was very sick.

(viii) That her mother in law encourages her husband to abuse and ill treat her.

*(ix) That in 2010 her fathers pension was revised and an amount of approx. **Rs.** 4.5 to 5 lakhs was given to him in pension arrears and when her husband came to know of this he started pressuring her to ask him for an amount of **Rs.** 2 lakhs which he intended to pay as payment to book a flat in Zirakpur, Punjab. When she told him that this money is intended to be used for renovation of her parents house, he punched her in the chest and threatened her that he will throw her out of the house if she failed to comply by his wishes. This happened in her marital home in Panchkula when **her mother in law** was present and she was a witness to this incident since it happened in the dinning room of the house at meal time.*

(x) That she was denied the jewellery by her mother in law in presence of her husband who then turned violent and pushed her forcefully into the wall and said that people like her do not deserve to wear expensive jewellery.

(xi) That she had been told by her mother in law, husband's brother and his wife that she was starting to be a burden on them, that she should leave their son/brother alone while there was still time for him to marry again and have children which they stated was his right.

(xii) That her husband and his mother taunt and insult her, both in



public and private.

(xiii) *That her husband, his mother, brother's wife and Sheeba Bedi are continuing with their life going sightseeing (posting pictures on Face book) and cracking marriage jokes on Facebook.*

(xiv) *That her mother in law has already started bad mouthing to her in laws, probably as per their scripted plan. She told her husband's Mamiji that even though Simrat is in Doom Dooma with her son, he has to eat from the officer mess.*

(xv) *That her mother in law soundly abused her mother.*

7. *Ld. counsel for the petitioner has placed reliance on judgments titled as “Onkar Nath Mishra and Ors. Vs. State (NCT of Delhi) and Anr.” AIR 2008 SC (Supp) 204, “Smt. Sarla Prabhakar Waghmare Vs. State of Maharashtra and Ors.” passed by Hon'ble Bombay High Court and “Sajjan Kumar Vs. Central Bureau of Investigation” 2011 Cri. L. J. (Supp) 540. I have perused these judgments with utmost regard but these judgments are not applicable in view of the above mentioned specific allegations against the petitioner. I am of the view that Ld. Trial Court has rightly ordered to frame charge against the petitioner. Ld. Trial Court has rightly held that there is sufficient material on record to frame charge under Section 498A/406/34 IPC against the petitioner.*

8. *No cogent or convincing reason is disclosed entitling discharge of the petitioner. Further, at the stage of framing of Charge, the truth, veracity and effect of the evidence which the prosecution purposes to adduce are not to be meticulously judged. The Apex Court in a number of cases had held that at the stage of framing the charges, meticulous consideration of evidence and material by the court is not required; nor the adequacy of the evidence can be seen at this stage as it would amount to premature appreciation of evidence. The same view has been held by their Lordship in Kanti Bhadra Shah Vs. State of West Bengal, 2000 Crl.L.J.746 and Omwati Vs. State through Delhi Admn., 2001 (2)Crimes 59.”*



10. Insofar the law is concerned, at the stage of framing charge, the court concerned is to only form an opinion after perusal of the material on record, which is filed alongwith the charge-sheet by the investigating agency. Sufficiency of material is enough for *prima facie* satisfaction of the Court to frame charge. Perusal of the learned ASJ's order shows that the revisional Court has also taken a similar view as taken by the learned MM while framing charge.

11. Therefore, this Court is of the considered view that the arguments put forth by the petitioners do not hold any water and the allegations made against the petitioner are sufficient to frame charge. It is held that the impugned orders have been passed in accordance with the law and there is no material irregularity or illegality of any kind therto.

12. Taking into consideration all the facts of the case, reasons given by the learned MM and the ASJ, this Court does not find any cogent reason to interfere with the impugned orders dated 25th October, 2017, passed by the learned MM, Patiala House Court in CC No. 43839/16, arising out of the FIR No. 238/12 and 18th December, 2018, passed by learned ASJ/Special Judge, CBI-02, Patiala House Court, New Delhi in CR No.07/2018; and the same are hereby upheld.

13. Accordingly the instant petition, being devoid of any merit, is dismissed along with the pending application(s), if any.

CHANDRA DHARI SINGH, J

FEBRUARY 17, 2025
NA/RYP/KJ

Click here to check corrigendum, if any