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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.REV.P. 93/2025 & CRL.M.A. 7379/2025

POONAM TANWAR

.....Petitioner

Through: Mr. Nishant G., Mr.
Aditya Rawat and Mr. B.
Karunakaran, Advs.

versus

STATE GOVT. OF NCT OF DELHI
AND ANR.

.....Respondents

Through: Mr. Digam Singh Dagar,
APP for the State with SI
Lucky Lama, PS Malviya
Nagar.
Mr. Saksham Chawla,
Adv. for R-2 with R-2 in
person.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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12.11.2025

1. The present petition is filed against judgment dated 18.01.2025 (hereafter, '**impugned judgment**') passed by the learned Additional Sessions Judge ('**ASJ**'), Saket Courts in Criminal Appeal No. 80 of 2024.
2. By the impugned judgment, the petitioner's appeal against order dated 15.12.2022 was dismissed by the learned ASJ on the ground that the same was filed beyond the period of limitation.
3. Briefly stated, the marriage between the petitioner and Respondent No.2 was solemnized on 21.02.2003. It is alleged that the petitioner was subjected to cruelty and demands of dowry by Respondent No.2 and his family members. It is alleged that the petitioner was thrown out from her matrimonial home, and Respondent No.2 and his family members refused to return the petitioner's jewellery and dowry articles. The petitioner filed



a complaint against Respondent No.2 and his family members and FIR under Sections 498A/406/34 was registered against them.

4. The learned Magistrate framed charges under Sections 498A/406/34 against all the accused persons *vide* order dated 02.06.2010. Thereafter, the accused persons filed a revision petition against order on charge dated 02.06.2010. The learned ASJ *vide* order dated 11.01.2012 set aside the order on charge dated 02.06.2010, discharging all other accused and found that Respondent No.2 was only liable to be charged for the offence under Section 498A of the IPC.

5. Respondent No.2 was acquitted of the offence under Section 498A of the IPC by the learned Magistrate *vide* order dated 15.12.2022 on the ground that the petitioner and public witnesses were untraceable.

6. Thereafter, the petitioner filed an appeal before the learned ASJ which was dismissed *vide* the judgment dated 18.01.2025. The learned ASJ noted that the appeal had been filed after the expiry of the limitation period. It was noted that no reasonable explanation had been provided to explain the delay by the petitioner.

7. The learned counsel for the petitioner submits that the petitioner gained knowledge of the order dated 15.12.2022 on 19.04.2023 and immediately sought to challenge the same. He submits that the petitioner initially erroneously challenged the said order before this Court and the same was dismissed as withdrawn *vide* order dated 26.07.2023 with the liberty to challenge the order before the appropriate forum. He submits that thereafter, the petitioner's mother fell ill and she also had no

CRL.REV.P. 93/2025



counsel. It is submitted that the petitioner appointed a new counsel and appeal was filed before the learned ASJ on 16.02.2024. He submits that there was an effective delay of only 42 days.

8. *Per contra*, the learned counsel for Respondent No.2 submits that there is no perversity or legal infirmity in the impugned judgment.

9. He submits that the appeal preferred by the petitioner was hopelessly barred by time and no good or sufficient cause was demonstrated by her. He submits that the learned ASJ rightly dismissed the appeal filed by the petitioner and the same does not warrant any intervention by this Court.

10. I have heard the counsels and perused the record.

11. I find no infirmity in the impugned judgment. It is apparent that the petitioner had not been diligent in pursuing the matter and her conduct has led to the wastage of precious judicial time. However, considering the fact that the present matter arises out of a matrimonial dispute and that the parties are still contesting multiple litigations at various forums, it would be in the interest of justice if one opportunity is granted to the petitioner wife to prove her case.

12. At the same time, in the opinion of this Court, equities will be balanced if the petitioner is subjected to cost.

13. In view of the above, the present petition is allowed and the impugned judgment dated 18.01.2025 and order dated 15.12.2022 passed by the learned Metropolitan Magistrate are set aside.

14. Accordingly, Case No. 2031005/16 arising out of FIR No.775/2005 is restored before the concerned Trial Court at the



stage of recording of complainant's evidence and further proceedings, subject to the petitioner paying a cost of Rs.10,000/- to Respondent No.2, within a period of three weeks.

15. List on 11.12.2025 before the concerned Trial Court.

16. A copy of this order be communicated to concerned Principal District & Sessions Judge for compliance.

AMIT MAHAJAN, J

NOVEMBER 12, 2025 '
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