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

+ CRL.M.C. 1841/2025, CRL.M.A. 8333/2025

CHANDER PAL SHARMA & ORS.

.....Petitioner

Through: Mr. Kumar Sanu Choudhary and Mr.
Pawan Rana, Advocates.

versus

THE STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Shoaib Haider, Ld. APP for the State
with W/SI Santosh and SI Neha P.S.
GTB Enclave.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

19.03.2025

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CRL.M.A. 8334/2025 (Seeking Exemption)

1. Allowed, subject to just exception.
2. The Application stands disposed of.

CRL.M.C. 1841/2025

3. A Petition under Section 482 Cr.P.C read with Section 528 BNSS, 2023 has been filed for quashing of the criminal proceedings qua the Petitioners arising out of Criminal Case No.2039/2017 in FIR No.268/2016 under Section 498A/406/34 IPC and Section 4 Dowry Prohibition Act, 1961 registered at Police Station GTB Enclave which is pending adjudication before the Court of JMFC.

4. It is submitted that the FIR was registered on 30.06.2016 and the Chargesheet was filed on 01.09.2016. In the concluding paragraphs of the Chargesheet it was observed that on local enquiry from the neighbours it was found that there was no case of dowry harassment made against the Petitioners except that there were fights and beatings inter-se the parties. Therefore, the Petitioners were placed in Column



No.12, while the husband Surender Sharma against whom the charges were made out, was placed in Column No.11.

5. It is submitted that the Petitioners who are the parents and brother of Surender Sharma, got summoned vide Summoning Order dated 24.11.2017 which is cryptic and does not explain the reasons for summoning the Petitioners. Furthermore, the Charges against all have been framed on 04.02.2020 and the case is pending at the stage of examination of PW1, the Complainant.

6. It is submitted that in view of the findings in the Chargesheet that no case was made out against the Petitioners the entire proceedings against them emanating from FIR No.268/2016, is liable to be quashed.

7. It is also asserted that no prima facie case under Section 406 IPC is also made out from the Chargesheet, therefore, the proceedings be quashed.

8. **Learned Additional Public Prosecutor on behalf of the State** submits that obliquely the Order of Summoning of 2017 and Order on Charge dated 04.02.2020, is being sought to be challenged on the pretext of seeking quashing of the Chargesheet. There is no merit in the Petition which is liable to be dismissed.

9. **Submissions heard and record perused.**

10. It is pertinent to observe that the Petitioners are the parents and brother of the husband Surender Sharma, against whom the Chargesheet has been filed by putting him in Column No.11. It is a matter of record that the three Petitioners herein had been put in Column No.12, but the learned M.M in his wisdom summoned them all vide Order dated 24.11.2017. Thereafter, vide detailed Order dated 04.02.2020 the Charges have been directed to be framed against all of them.

11. Neither the Summoning Order nor the Order on Charge was ever challenged by the Petitioners. Now at this stage when the evidence is being recorded and the Statement of the Complainant in Examination-in-Chief already stands recorded, the quashing has been sought only on the basis of the averments and the conclusions made in the Chargesheet. Clearly, it is an endeavour to challenge the Order on Summoning and thereafter, Order on Charge after seven years and five years respectively, which cannot be permitted by resorting to Section 482 Cr.P.C.



12. Even if the observations of the I.O that no evidence was available against the Petitioners who were accordingly put in Column No.12 while concluding the Chargesheet may be considered, his conclusions are purely based on the evidence of the neighbours and does not refer to the Statement of the Complainant. The neighbours may not have supported the Complainant, but that in itself, cannot be a ground especially at the stage of taking cognizance to disbelieve the testimony of the Complainant and accept the conclusions of the I.O in the Chargesheet. Pertinently, the evidence is already being recorded which needs to be appreciated, which shall be done at the appropriate stage.

13. The present Petition is nothing but a gross abuse of process of law and is hereby, dismissed with cost of Rs.25,000/- to be deposited by the Petitioner in the Delhi High Court Advocate's Welfare Fund.

14. The Petition stands disposed of along with the pending Application(s).

NEENA BANSAL KRISHNA, J

MARCH 19, 2025/va