



2025:DHC:222



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision: 9th January, 2025***+ **CRL.M.C. 4509/2019**

1. Sh. RAJENDER DHUPAR
S/o Sh. Hari Chand DhuparPetitioner No.1
2. Smt. YOGESH DHUPAR
W/o Sh. Rajender Dhupar ...Petitioner No.2
Through: Ms. Ragini Kapoor & Mr. Aditya
Wadhwa, Advocates

Versus

1. STATE (NCT OF DELHI)Respondent No.1
2. Smt. RAGINI LAL
D/o Sh. Tarsem Lal ...Respondent No. 2
3. Sh. MOHIT PAUL
S/o Sh. Desh Raj PaulRespondent No. 3
4. Sh. DESH RAJ PAUL
S/o Kripa RamRespondent No. 4
5. Smt. SUMITRA PAUL
W/o Sh. Desh Raj PaulRespondent No. 5

Through: Mr. Sanjeev Sabharwal, Additional
Public Prosecutor for Respondent-
State with SI Neetu Bisht, PS
Paschim Vihar (East)
Mr. Shobit Dimri, Advocate for
Respondent No.2

CORAM:

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HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (Oral)

Crl.M.A. 35373/2019

1. For the reasons stated in the Application, delay of 30 days in re-filing the petition is condoned.
2. The Application is disposed of.

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3. The Petition under Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as 'Cr.P.C.'*) has been filed on behalf of the Petitioners/Accused for setting-aside the Order dated 11.04.2019 of learned Additional Session Judge, whereby the Order on Discharge by learned Metropolitan Magistrate dated 19.09.2017, has been reversed.
4. *Briefly stated*, Respondent No.3 Mohit Paul got married to Respondent No. 2 Smt. Ragini Lal on 04.04.2004. Petitioner No. 2-Smt. Yogesh Dhupar is the real sister of Respondent No. 3 and Petitioner No.1 is her husband.
5. FIR No. 252/2013, under Sections 498A/406/34 of *Indian Penal Code, 1860* ('IPC' *hereinafter*) was registered at Police Station, Paschim Vihar, Delhi against Respondent No.3 Mohit Paul, his parents, the Petitioners and others. The basic allegations made against Petitioner No.2, sister of husband of the Complainant/ Respondent No.2, are that there was constant interference in the marital affairs of Respondents No.2 and 3 by the in-laws, particularly parents-in-law, sister-in-law and the brother-in-law(Petitioners). They all along with her husband, made demand for a sum of Rs.30-35 Lacs from the parents of the Complainant so that Petitioner



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No.1 brother-in-law would get a Booth/Shop at Chandigarh, which was then in the joint name of Petitioner No.1 and his Uncle, and it would thereafter, be jointly owned by him and Respondent No.3- husband.

6. The Complainant candidly refused to ask her parents for such huge amount of money by stating that they were in Government Service and could not afford to pay such amount. On her refusal, she was subjected to harassment, and mental and physical torture. The Respondent No.3 not only used heinous and abusive language for her but also for her family members, including her father.

7. The learned Metropolitan Magistrate in the Order on Charge dated 19.09.2017 observed that there were no specific allegations made against the two Petitioners i.e. brother-in-law and sister-in-law of the complainant in regard to the dowry related harassment of the Complainant. The only allegation was that a sum of Rs.30-35 lacs had been demanded from the Complainant by her husband so that Petitioner No.1 could get the Booth/Shop at Chandigarh transferred in joint name of himself and Respondent No.3, her husband. It was observed that there appears to be a deliberate attempt to rope in the Petitioners by the Complainant on account of marital discord with her husband. The Petitioners were accordingly, discharged *vide* Order dated 19.09.2017.

8. Aggrieved by the said Order, a Revision Petition was preferred by the Complainant before the learned Additional Sessions Judge, who in his Order dated 11.04.2019 observed that there was specific allegation made by the Complainant against the two Petitioners and consequently, directed that the Charges under Section 498A/406 IPC be framed against them.



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9. The present Petition has been filed by the Petitioners challenging the Order dated 11.04.2019.

10. *It has been argued by learned Counsel for the Petitioners* that a bare perusal of the Complaint would show that a generic allegation without there-being any specific date or time, was made by the Complainant. Moreover, the Petitioners are resident of Chandigarh and have no reason to interfere in the day to day affairs of the Complainant and her husband. Furthermore, though the allegation has been made that Petitioner No.1 had offered to get the Booth/Shop at Chandigarh transferred in his joint name with the husband of the Complainant upon being given the sum of Rs.30-35 Lacs, neither any correct/ exact amount has been stated nor any specific detail of the alleged Booth/Shop has been given. It is argued that there is no Booth/ Shop owned by or is in the name of Petitioner jointly with his uncle, as has been alleged. It is argued that patently false allegations have been made purely with an intention to rope in the Petitioners, as have been observed by the learned Metropolitan Magistrate while discharging them.

11. It is argued that in order to make up a *prima facie* case, some cogent and specific averments should have been made and there-being vague allegations, Petitioners are entitled to discharge. It is, therefore, submitted that the impugned Order passed by the learned Additional Session Judge is liable to be set aside *vis-a-vis* the Petitioners.

12. *Learned Counsel for the Complainant* has submitted that the Order passed by the learned Additional Session Judge is fully justified and it does not warrant any interference.

13. On specific query being put to learned Counsel for Complainant as to



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whether the alleged demand of Rs.30-35 Lacs from the Complainant by her husband could be termed as dowry demand, learned Counsel had no answer.

14. Submissions heard and record perused.

15. It has rightly been argued on behalf of the Petitioners that there are no specific allegations against them, who are the sister-in-law and brother-in-law of Respondent No.3, husband of the Complainant. The averments in the Complaint are that when the Complainant refused to concede to the alleged demand of Rs.30-35 Lacs, she was subjected to harassment by the husband. Relevantly, there are no allegations of harassment at the hands of the Petitioners. There are only vague assertions made with regard to dowry demand. No details of either the demand or any particulars of alleged Booth/Shop have been specified in the Complaint.

16. There is a general tendency in matrimonial disputes *inter se* the husband and wife, to rope in not only the husband and parents-in-law, but also near and distant relatives of the husband with intent to create pressure on the husband.

17. In the present case, it is patently evident that there are *prima facie* no allegations made out against the Petitioner. The Petition is accordingly, allowed and Petitioners are hereby discharged for the offence under Sections 498A/406/34 IPC, in FIR No. 252/2013, registered at Police Station Paschim Vihar, Delhi.

18. The Petition and pending Application(s) are accordingly disposed of.

**(NEENA BANSAL KRISHNA)
JUDGE**



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JANUARY 9, 2025
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