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

+ **CRL.REV.P.-523/2025**

AVINASH SINGH & Ors.

.....Petitioners

Through: Mr. Pranesh Rana, Mr. N.B. Tiwari
and Mr. Himanshu S., Advocates.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Hitesh Vali, APP for State.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

11.12.2025

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1. This petition under Section 438 read with Section 428 of the Bhartiya Nagarik Suraksha Sanhita, 2023¹ is directed against order dated 17th October, 2025 passed by the ASJ in SC No. 1062/2024, titled “*State v. Avinash Singh & Ors.*” These proceedings emanate from FIR No. 299/2024, registered at P.S. New Ashok Nagar for the offences under Sections 498A/304B of the Indian Penal Code, 1860².

2. The Petitioners are arrayed as accused in the aforementioned FIR. By the impugned order, charges have been framed against them for the offences under Section 498A/304B/34 IPC, and in the alternative, under section 302/34 of the IPC, to the following effect:

“It is submitted on behalf of Ld. Counsel for all accused persons

¹ “BNSS”

² “IPC”



that charge be framed so that case be proceeded further. Accordingly, case file perused carefully. There seems to be prima facie material available against the accused persons.

It is to be noted that at the time of framing of charge the Court is only required to sift and weigh the material on record to evaluate the material only for the purpose of finding out, if the facts emerging when taken at their face value, disclosed the existence of ingredients constituting the offence. The Court only has to form an opinion based on the material placed before it that the, accused might have committed the alleged offence. At the beginning of the trial, the truth, veracity and effect of the evidence that the prosecutor proposes to adduce are not to be meticulously judged. Doubtless, at the time of framing of the charges, I probative value of the material on record cannot be gone into, and the material brought on record by the prosecution has to be accepted as true at that stage. Doubtless, that at the time of framing of charges all that is necessary to see is that on the basis of the documents produced by prosecution whether a grave suspicion arises. Reliance is placed upon State of AP Golconda v. Linga Swamy, AIR 2004 SC 3967, Amrish Jolly v. Central Bureau of Investigation, 2020 Cr LJ 1351 (HP), Niren Shanna v. State of Sikkim, 1998 (4) Crimes 242(245) (Gau).

Accordingly, charge u/s 498A/304B/34 and in alternative charge U/s 302/34 IPC is framed against the accused. Put up for prosecution evidence on 15.12.2025. Let witnesses mentioned at serial number 1, 2 and 9 as well as concerned investigating officer and MHCM in the list of witnesses be summoned for next date of hearing. Shortest available date is being given.”

3. The Petitioners’ grievance is that none of their submissions have been considered by the Trial Court. It is contended that the Petitioners had merely requested the Trial Court to hear arguments on charge; however, this appears to have been misconstrued as a request to frame charges. It is contended that the Trial Court was duty-bound to examine the material on record as well as the objections raised by the Petitioners before forming an opinion that they are required to be put to trial.

4. The Court has considered the submissions advanced on behalf of the Petitioners. A perusal of the impugned order reveals that although the legal position has been correctly noted by the Trial Court, the stated principles



have not been applied to the facts of the present case, and the order does not demonstrate any consideration of the specific contentions raised by the Petitioners.

5. Accordingly, without delving into the merits of the contentions urged by the Petitioner, the impugned order is set aside. The matter is remanded to the Trial Court to pass a reasoned order after duly considering the Petitioners' submissions on the point of charge, and thereafter proceed with the framing of charges, in accordance with law.

6. It is clarified that the setting aside of the impugned order shall not be construed as an expression of opinion on the merits of the case. All rights and contentions of the parties are left open.

7. Disposed of along with pending applications.

SANJEEV NARULA, J

DECEMBER 11, 2025/MK