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

+ **CRL.L.P. 218/2018 & CRL.M.A. 6263/2018**

STATE (NCT OF DELHI)

.....Petitioner

Through: Mr. Aashneet Singh, APP for State
SI Sumeet Poonia, PS Vivek Vihar

versus

CHANDER SHEKAR JHA & ORS

.....Respondent

Through: Mr. Sunil Kumar, Adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
15.01.2025

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1. This is a leave to appeal challenging the impugned order/judgment dated 07.11.2017 passed by learned ASJ-03, Shahdara District, Karkardooma Courts, Delhi in SC No. 480/2016 in F.I.R No. 613/2014 under Sections 308/34 registered at Police Station, Vivek Vihar.
2. The respondents are the in-laws of the sister of the complainant, namely Pooja. The respondent No. 1 is the father-in-law, respondent No. 2 is the brother-in-law of the complainant's sister and respondent no. 3 is the husband.
3. The brief facts in the present case are that the respondents beat the complainant with iron rods, as a result of which the complainant sustained injuries.



4. The learned APP states that the two witnesses namely, PW-1 and PW-2 have supported the case of the prosecution and there is no inconsistency. The story of the prosecution is supported by Pw-6, i.e. the doctor who proved the MLC showing that injuries were sustained by the complainant. Therefore, there is no reasoning for acquittal and hence, there should have been a conviction against the respondent.
5. I have heard learned counsels for the parties.
6. In the present case, it is admitted that the parties were having estranged relationships on account of matrimonial discord between Pooja and respondent No. 2. The complainant was residing at Bihar while the respondents were residing at Delhi. There is no satisfactory explanation as to why the complainant had visited the respondents at Delhi.
7. In addition, there is also a settlement between the parties, wherein the respondents had paid a sum of Rs. 2,61,000/- to Pooja as part of the mediation settlement. Despite the settlement, Pooja had not come forward for giving no-objection for quashing of the criminal complaint.
8. Lastly and most importantly, the respondent had registered complaints in March, 2013 and April, 2013 stating that the complainant had come to the house of the respondents on 28.03.22013 and the accused persons had expressed their apprehensions that Pooja and her family members would file cases against the respondents. In fact, in the complaint dated 11.04.2013, the complainant had even tried to inflict injury on his head at the house of the accused persons.
9. The aforesaid facts and letters weighed with the learned ASJ while



acquitting.

10. I am of the view that the letters filed by the respondents show that the despite all the efforts of the respondents, Pooja was not satisfied with the settlement and there were repeated threats of involving the accused persons in frivolous cases.
11. Under such circumstances, the injuries being self inflicted only to harass and implicate the respondents could not be ruled out.
12. The same was well considered by the learned ASJ and I find no infirmity in the reasoning as well as the appreciation of the fact and law by the learned Sessions Court.
13. Lastly and most importantly, the other factor which weighs with me is that there is nothing on record to show that the complainant or Pooja has challenged the impugned order dated 07.11.2017.
14. For the said reasons, the leave to appeal is dismissed.
15. Consequently, the appeal is infructuous.

JASMEET SINGH, J

JANUARY 15, 2025/sp

Click here to check corrigendum, if any