



\$~36

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

+ **CRL.REV.P. 683/2014 & CRL.M.A. 16313/2015**

STATE (GNCT) OF DELHIPetitioner

Through: Mr. Ritesh Kumar Bahri,
APP for the State.

versus

RAHUL

.....Respondent

Through: Mr. Ranjan Kumar Prasad,
Adv. through V.C.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **19.12.2025**

1. The present petition was filed long back in the year 2014 challenging the order dated 11.08.2014 (hereafter '**the impugned order**'), whereby the respondent was discharged for the offences under Sections 304-B and 306 of the Indian Penal Code, 1860 ('**IPC**').
2. By the same order, the matter was remitted to the learned Chief Metropolitan Magistrate for further proceedings, wherein, the respondent was charged for the offence under Section 498A of the IPC.
3. Although the prosecution has essentially contested that sufficient material was present on record in the form of the statements of victim's family members to charge the accused for the concerned offences, a bare perusal of the impugned order duly reflects that the learned ASJ had appreciated the statements extensively.
4. It has been categorically observed that the statements of



the parents, sister and brother of the victim do not *prima facie* reflect the respondent's *mens rea* to abet suicide. It was also noted that no material was put forth by prosecution that the victim had been instigated by the accused to commit suicide. While the presumption as to abetment of suicide may be invoked if the victim dies within seven years of her marriage, however, it has been rightly noted that the same requires appreciation of surrounding factors and no *prima facie* case has been made in the present case in this regard.

5. It was also appreciated that although the statements of the victim's family members showed that the respondent was treated with cruelty, however, nothing was said in relation to the respondent or his family members making any demand for dowry. The record reflects that only a passing reference was made by the mother of the victim in relation to taunts of dowry, but it has been rightly noted by the learned ASJ, that there is nothing to show that the victim was harassed for dowry *soon before her death*. It is rightly noted that for the presumption as to dowry death, the prosecution is required to make out a *prima facie* case of demands for dowry soon before death, which is absent in the present case. There appears to be no apparent infirmity in the impugned order as grave suspicion is not cast against the accused from the material on record in respect of the offences under Sections 304B or 306 of the IPC.

6. Moreover, it is not disputed that mother of the victim, on whose statement the FIR was registered, has not even supported the case of the prosecution during the trial in regard to allegation of cruelty. While the probative value of the evidence *qua* the offence of Section 498A of the IPC will be seen in trial, this



Court is of the opinion that the facts of the case are not such which warrant framing of charges against the accused for the offences under Sections 304B or 306 of the IPC, especially when the matter is helmed on statements of certain witnesses who have resiled during their evidence.

7. In view of the aforesaid discussion, this Court finds no reason to interfere with the impugned order.

8. The petition is, therefore, dismissed. Pending application also stands disposed of.

9. It is made clear that the observations made in the present petition are for the purpose of deciding the present petition and they shall not influence the outcome of the trial.

AMIT MAHAJAN, J

DECEMBER 19, 2025
“SK”