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

+ CRL.REV.P. 828/2015 and Crl.M.A. Nos. 18505/2025 & 18537/2025

STATE

.....Petitioner

Through: Mr. Sanjeev Sabharwal, APP for State
with SI Kamlesh Kumar, PS Pul
Pralhadpur

versus

HUKUM SINGH

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

11.09.2025

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1. Prosecution/State seeks to challenge an order dated 07.08.2015 of the Ld. Special Judge, Saket Courts passed in criminal proceedings arising out of FIR No. 65/15 for the alleged offences under Section 498-A/304B/34 of the IPC, registered at police station Pul Prahaladpur, whereby the respondent (brother of husband/partner of deceased) has been discharged of all charges.

2. Briefly stated, the prosecution case is that per FIR No. 65/2015 lodged on the complaint of Mr. Raju Gahlot, it is alleged that Poonam (the deceased) married her neighbour Chaggan (Charan Singh) in December 2012 without informing her family. Her family came to know of the marriage in February 2013, after which she was sent to her matrimonial home.

2.1 Within 15–20 days of the marriage, Chaggan's mother began visiting



the complainant's house, abusing and taunting them for dowry. The accused persons, including Chaggan, thereafter continuously harassed Poonam for dowry.

2.2 A quarrel ensued between the families of Chaggan Singh and the complainant, leading to registration of two cross FIRs i.e. FIR Nos. 289/2013 and 290/2013 against each other. Subsequently, Poonam gave birth to a male child, but her matrimonial family never visited her parental home. In December 2014, both sides compromised and withdrew their cases. About two months before the incident, the complainant again spoke to Poonam and found her unhappy in her matrimonial home.

2.3 On 14.02.2015, the complainant received a call from the police asking him and his father to come to Poonam's house. On reaching there with his parents, they found Poonam lying dead in her room. Statements of the complainant, his father, and other witnesses were recorded under Section 161 Cr.P.C. A written complaint was also submitted to the SHO, PS Pul Prahladpur, reiterating earlier facts and specifically alleging that Chaggan Singh, his mother Sarla Devi, and his brother Hukum Singh (Respondent herein) had neglected Poonam and that he believed they had killed her. Pursuant to investigation, the police arrested the accused persons and filed a chargesheet under Sections 498-A, 304-B, and 34 IPC. Trial ensued.

2.4 However, in course of trial, by order dated 07.08.2015, the Ld. ASJ, Saket Courts, discharged the accused/respondent of all charges.

2.5 Hence the present petition challenging the aforesaid order.

3. Learned State Counsel has argued in line with the petition, broadly contending as follows:

3.1 The order dated 07.08.2015 discharging the accused is legally



unsustainable as it suffers from grave infirmities, is not a reasoned order, and has been passed in a casual manner. A trial court is duty-bound to record detailed reasons while discharging an accused, which has not been done here.

3.2 The order is based on imagination, presumptions, and conjectures. The discharge was granted on the basis of imagined doubts not supported by facts or evidence on record. Such an approach is impermissible in law and cannot withstand judicial scrutiny.

3.3 The trial court failed to consider the complainant's written complaint dated 18.02.2015 to the SHO, Pul Prahladpur, which specifically alleged that Chaggan Singh, Sarla Devi, and Hukum Singh subjected the deceased to cruelty for dowry and were responsible for her death.

3.4 At the stage of framing charge, the court is not required to meticulously assess sufficiency of evidence to establish guilt. It only has to determine whether a prima facie case exists on the material placed on record.

3.5 The Supreme Court in ***Sushil Ansal & Ors. v. State*** has held that at the stage of framing charge, detailed analysis of evidence is not required. Similarly, in ***State of M.P. v. S.B. Johari & Ors. (2000 SCC (Cri) 311)***, the Apex Court held that the court only has to see whether there is sufficient ground to proceed and cannot appreciate evidence as if conducting a full-fledged trial.

3.6 The trial court failed to evaluate the available material to see whether the ingredients of the alleged offences were present. Instead, it proceeded on conjectures, thereby making the discharge order legally unsustainable.

4. In this backdrop, I have heard the submissions of learned State



counsel and examined the material on record.

5. On a reading of the petition, the case appears to stem from a family dispute, culminating in the deceased's suicide. Both her husband and in-laws were suspected of culpability, resulting in the FIR and consequent proceedings.

6. During the trial, by order dated 07.08.2015, the learned ASJ discharged the respondent herein (Hukum Singh), the deceased's brother-in-law. The trial court found the material available on record in the form of charge sheet and witness statements did not make out any case against the respondent/brother in law of the deceased. It was thus held that there is not even a single iota of evidence, let alone incriminating evidence, against accused Hukum Singh/respondent.

7. Having perused the order, I agree with the learned Judge's view discharging the brother-in-law, but at the same time continuing proceedings against the other two accused. Merely because he happens to be the brother-in-law (Devar) of the deceased, he was arrayed as accused by the prosecution without otherwise there being any material, let alone any credible one.

8. It further transpires that during pendency of this revision, both the husband and mother-in-law (other two accused) have since been acquitted, as recorded in the order dated 07.01.2020 passed by a Co-ordinate Bench of this Court.

9. On a query, learned APP, on instructions from the IO, confirmed that no appeal has been filed against the husband's acquittal.

10. In the totality of circumstances, it appears contradictory that while the State challenges the discharge of brother in-law, it has chosen not to assail



the husband's acquittal on merits.

11. Be that as it may it *de hors* the fact of whether or not any appeal has been filed against the acquittal as already noted herein above, I am in agreement with the reasons assigned qua the discharge of the respondent herein and no interference is therefore warranted in the present petition.

12. Accordingly, the petition stands dismissed.

ARUN MONGA, J

SEPTEMBER 11, 2025/SV