



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

Date of Decision: 4<sup>th</sup> May, 2026

IN THE MATTER OF:

+ CRL.A. 329/2004

RAJU

.....Appellant

Through: Mr. Kuldeep Kumar & Ms. Aashaa Tiwari, Advs with Appellant in person.

versus

STATE

.....Respondent

Through: Mr. Mukesh Kumar, APP for State.  
Mr. Shailesh Chandra Jha, Adv (DHCLSC) for victim / R-2.

+ CRL.A. 330/2004 & CRL.M.(BAIL) 674/2004

BARDI DEVI

.....Appellant

Through: Mr. Kuldeep Kumar & Ms. Aashaa Tiwari, Advs with Appellant in person.

versus

STATE

.....Respondent

Through: Mr. Mukesh Kumar, APP for State.  
Mr. Shailesh Chandra Jha, Adv (DHCLSC) for victim / R-2.

+ CRL.A. 535/2004

SHAMBHU

.....Appellant

Through: Mr. Kuldeep Kumar & Ms. Aashaa Tiwari, Advs with Appellant in person.

versus

STATE

.....Respondent

Through: Mr. Mukesh Kumar, APP for State.  
Mr. Shailesh Chandra Jha, Adv (DHCLSC) for victim / R-2.



**CORAM:**  
**HON'BLE MR. JUSTICE VIMAL KUMAR YADAV**

**JUDGMENT (ORAL)**

**VIMAL KUMAR YADAV, J.**

1. Savita was set on fire, allegedly by her mother-in-law, brother-in-law and husband in the month of November, 2000 at about 11:00 AM in House No. B-72, Gali No. 21, Hanuman Mandir, Rajapuri, New Delhi, as she and her family were not forthcoming with the kind of expectations her husband and family had with regard to the Dowry. She was harassed and tortured and finally, she was set on fire, during which the mother-in-law and brother-in-law allegedly caught hold of her hands and her husband did the rest of the act.
2. Incidentally, the matter was not reported to the police on the date of incident and for that matter, she was not even taken to the hospital, but was transferred to her paternal home, where she was given Ayurvedic/local treatment. She was pregnant at that time and delivered a female child and after about 20 days of delivery of the child, she lodged the report with the police on 13.04.2001, which resulted into registration of FIR No. 289/2001 by the police of Police Station Dabri, Delhi.
3. Accused Raju, Shambhu and Bardi Devi were charged under Section 307 read with Section 34 Indian Penal Code (IPC), under Section 498A IPC read with Section 34 IPC and under Section 342 read with Section 34 IPC. The chargesheet filed against them culminated into conviction of the aforesaid three accused persons through the Judgment dated 17.01.2004 and all three were sentenced to various punishments in terms of the Order on Sentence dated 20.01.2004. All accused persons were sentenced as under:



| Name of accused persons | Sentence Awarded                                                                                                                                 |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Raju                 | • RI for six months each for the offence under Section 342/34 IPC.                                                                               |
| 2. Bardi Devi           | • RI for one year and a fine of Rs. 1000/- each, in default of payment of fine, RI for one month each for the offence under Section 498A/34 IPC. |
| 3. Shambhu              | • RI for seven years and a fine of Rs. 5,000/- each, in default of payment of fine, RI for six month for the offence under Section 307/34 IPC.   |

4. Against the backdrop of these facts and circumstances, the instant appeal was filed, wherein now the victim Savita has appeared alongwith her husband and brother-in-law. Victim Savita has categorically stated before the Court that she does not want any action against the Appellants inasmuch as the matter was resolved subsequently, and she had started living with the Appellant/her husband Raju. And not only that, she has given birth to two more children from Appellant Raju. Three children were already there from her marriage with Raju. An affidavit to that effect has been filed on behalf of the victim Savita.

5. Learned counsel for the Appellant, in these circumstances, came up with the plea that the Appellants do not challenge the conviction and confine their contentions to the aspect of sentence awarded to them by submitting that they have already undergone a substantive period of custody during the trial and post conviction, thus, indulgence qua that is required. The victim does not want any action against them for the simple reason that she is now



living with her husband-Appellant Raju happily and there is no complaint against the other two as well.

6. It is further submitted that no fruitful purpose will be served by sending the Appellants to jail to serve the remaining sentence and as such it is submitted that the appeal may be disposed of accordingly.

7. Learned Additional Public Prosecutor, on the other hand, came up with the plea that the victim herself is a tell tale story of what all happened with her. She still continues to carry burn scars on her body, which are visible, but there may be certain invisible scars which might be there on her psyche. Those may not be apparent, but must have affected her. She, for the reasons best known to her, has reconciled and started living with the Appellant Raju, could be the result of her circumstances. Nevertheless, it is submitted that the Appellants deserve commensurate sentence in terms of what has been done by them.

8. To ensure that no injustice is done to anyone, is the prime purpose and reason for the existence of the Courts of law. Justice may vary according to perceptions, reasons, outlook and norms but by and large, what is right is right in every society for everyone and what is wrong is wrong for everyone in every society.

9. However, the concept of right and wrong is embedded in the humans. Nevertheless, something may be an offence in a particular society which may not necessarily be in the other society, but over a period of time the broad concept of right and wrong has integrated in the Genes of the human beings, primarily on account of the fact that the right and wrong has some sort of universal recognition, appeal and application.

10. Right may be right or wrong may be wrong and vice-versa may also be possible but then it is not necessary that siding with the right is siding



with the justice, as at times not siding with the wrong and nor aligning with the right may also be some sort of justice.

11. Cases like the instant case are apparently a testament of the evils of dowry system and the extent of greed of materialistic possessions has blinded the humans, so much so that they are ready and willing and infact, to snuff out the lives of other human beings for ephemeral gains and objects, little realizing that the materialistic objects in life are nothing but a grand illusion, whereas life, in fact, has a different meaning and purpose.

12. Nevertheless Courts are confronted with situations like the one in the instant case where the parties, being at loggerheads at one point of time, have reconciled and resolved their differences to resume a normal life.

13. In the words of father of the nation “*An eye for an eye will only make the whole world blind*”, thus, he emphasized the importance and power of forgiveness and it seems that the same sense of forgiveness, has prevailed upon the victim herein namely Savita who, despite being severely burnt, scars of which are still visible on her physique, has forgiven her husband and his family as she has come forward and stated that she does not want any further action against them.

14. That seems to be the reason which prompted the counsel for the Appellants to adopt the course where the judgment of conviction is not assailed anymore and the arguments have been confined to the aspect of sentence only.

15. Time is such a phenomenon, which is constantly on the move and going on, which can neither be stopped nor brought back even by God leave alone any human being. It is this phenomenon of the time, which prompts people to come up with such pleas where it is put forth that the period of sentence already undergone by them may be treated as the substantial



punishment inasmuch as it is beyond the powers of universe to bring back the time which has gone. That is how people buy peace and reconcile with their situations.

16. Certain judgments would illustrate this phenomena where Courts have come to the conclusion that in the given circumstances justice would be to dispose of a case deliberating over the aspect of sentence only. And where there were such reasons, which warranted such consideration of punishment and disposal of the matter those were disposed of too. Reference can be made to the judgement in **Gulab Das v. State of M.P.**, (2011) 10 SCC 765 wherein it is held as under :

*“9. This Court has in a long line of decisions ruled that offences which are not compoundable under Section 320 CrPC cannot be allowed to be compounded even if there is any settlement between the complainant on the one hand and the accused on the other. Reference in this regard may be made to the decisions of this Court in Ram Lal v. State of J&K [(1999) 2 SCC 213 : 1999 SCC (Cri) 123] and Ishwar Singh v. State of M.P. [(2008) 15 SCC 667 : (2009) 3 SCC (Cri) 1153] We have, therefore, no hesitation in rejecting the prayer for permission to compound the offence for which Appellants 2 and 3 stand convicted.*

*10. Having said that, we are of the view that the settlement/compromise arrived at between the parties can be taken into consideration for the purpose of determining the quantum of sentence to be awarded to the appellants. That is precisely the approach which this Court has adopted in the cases referred to above. Even when the prayer for composition has been declined this Court has in the two cases mentioned above taken the fact of settlement between the parties into consideration while dealing with the question of sentence. Apart from the fact that a settlement has taken place between the parties, there are few other circumstances that persuade us to interfere on the question of sentence awarded to the appellants.*

*11. The incident in question had taken place in the year 1994. The parties are related to each other. Both Appellants 2 and 3 were at the time of the incident in their twenties. It is also noteworthy that*



*the incident had led to registration of a cross-case against the complainant party in which the trial court has already convicted Veeraji and others for the offences punishable under Sections 325/34 and 323 IPC and sentenced them to undergo imprisonment for a period of two years and a fine of Rs 300 and imprisonment of six months under Section 323 IPC. We are told that the parties having settled the matter, will approach the High Court for an appropriate order in the appeal pending before it. More so, the appellants have already served substantial part of the sentence awarded to them.*

*12. In the totality of the circumstances we are of the view that the settlement arrived at between the parties is a sensible step that will benefit the parties, give quietus to the controversy and rehabilitate and normalise the relationship between them.*

*13. In the result, while upholding the order of conviction recorded by the courts below, we reduce the sentence awarded to the appellants to the sentence already undergone by them. The appeal is to that extent allowed and the impugned orders modified. The appellants shall be set free forthwith if not otherwise required in any other case."*

17. In the instant case the Appellant-Raju was married with Savita and for reasons of insufficient dowry certain disputes were there. Appellant Raju, his brother and their mother also joined not only to demand dowry from the parents of Savita, but to harass her as well. She was about five months pregnant when the incident took place, but not only she, her child also survived when she was set on fire. Incidentally, she was not taken to the hospital, but the medication of local Doctors/Vaids/Ayurveda-Acharyas helped her recover and that is the reason why FIR was registered on 13.04.2001, whereas the incident pertains to the year November 2000.

18. What has been stated by Savita in her affidavit and otherwise orally also that she does not want any action against the Appellants as she is living with her husband Raju happily. She is the mother of five children out of which three were born after the incident. Indeed women have very large



heart.

19. Any sentence at this stage involving further custody would ruin the cordiality, which she has achieved in her revived relationship with her husband Appellant-Raju. The acceptance by her brother-in-law and mother-in-law and her forgiveness for them has resulted in the family coming together. Addition in the family by having three more children speaks in favour of the Appellants. To disturb this equilibrium would be detrimental not only to the Appellants herein but for the victim Savita and her five children too. The matter pertains to the year 2000 and now after 25-26 years things have radically changed for everyone and for good.

20. In view of the facts and circumstances, plea raised by counsel for the Appellants about modifying the sentence is accepted and while upholding the judgment of conviction dated 17.01.2004, sentence stands modified to the following effect that the period of custody undergone by Appellants shall be sufficient to meet the ends of justice.

21. With these observations the appeal accordingly stands disposed of. Application(s), if any, also disposed of.

**VIMAL KUMAR YADAV, J**

**MAY 04, 2026/akc/hk**