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

+ **CRL.M.C. 2396/2026**

GEETA VERMA

.....Petitioner

Through: Mr. Vishesh Wadhwa, Ms. Swadha Gupta, Mr. Shivam Dahiya, Ms. Shubhangi Singh and Mr. Aditya Singh, Advocates.

versus

STATE OF NCT OF DELHI AND ANR.

.....Respondents

Through: Ms. Kiran Bairwa, APP for the State.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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01.04.2026

CRL.M.A. 9782/2026 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed of.

CRL.M.C. 2396/2026

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner impugns judgement dated 13.12.2025 passed by the learned Additional Sessions Judge-03, West-District, Tis Hazari Courts, Delhi in C.R. No. 248/2023.

2. By way of the impugned judgement, the learned Sessions Court has allowed respondent No.2's revision petition; and has consequently discharged one, Deepak, for the offence punishable under section 498-A of the Indian Penal Code, 1860 ('IPC').



3. The petitioner is the sister of deceased Mansi; and respondent No.2 (Deepak) is the brother-in-law of the deceased.
4. Ms. Swadha Gupta, learned counsel appearing for the petitioner submits, that there were clear allegations and material against respondent No.2; and based on such allegations the learned Magistrate had framed the charge for the offence under section 498-A of the IPC against respondent No.2.
5. Ms. Gupta has drawn attention to the charge-sheet (a copy of which is appended to the present petition), and in particular to the allegations against respondent No.2, narrated on page 66 of the paper-book.
6. Ms. Gupta contends, that the allegations in the said para clearly disclose that there was basis for charging respondent No.2 with the offence under section 498-A. The relevant portion of the charge-sheet reads as follows:

“कुलदीप के भाई दीपक वर्मा पुत्र श्री एदेल प्रसाद वर्मा ने शादी के बाद मुझसे गाली गलोच और बदतमीजी से पेश आया और बोला कि तुम्हारे कपड़ों में एक जोड़ा कम है तो मैंने कहा कि मेरे से दिमाग से गलती हो गई। जो जोड़ा के बदले में शगुन के 500/- रुपए दे दूंगी लेकिन उसने धमकी देते हुए बोला की, जिस दिन तुम नांगलोई में दिख गई तो मैं तुम्हें मार दूंगा।”

7. The learned Sessions Court has recorded the relevant factual matrix of the case in the following way:

“2. The present FIR was registered on the basis of the complaint filed by the sister of the victim namely Ms. Mansi (deceased). It is alleged that the victim was married to the accused Kuldeep in the year 2016 and various dowry articles were given at the time of marriage. It is further alleged that on 05.10.2018 the victim was admitted at LNJP Hospital by her husband and she expired on 07.10.2018 during treatment. It is further alleged that the victim expired on account of the negligence in her medical



treatment committed by the accused persons (the husband and in-laws) while she was pregnant. It is further alleged that the accused persons had treated the victim with cruelty and had harassed her for dowry. However, as per the post mortem report no external injuries were found on the body of the victim/ deceased and it was opined that she died because of hepatic failure which is a natural cause of death.”

(emphasis supplied)

8. Subsequently, charge-sheet was filed against the following persons: Kuldeep (husband), Adel Prasad (father-in-law), Shobha Devi @ Sobha Rani (mother-in-law), Geeta Verma @ Geeta Soni (sister-in-law), Nisha (sister-in-law) and Deepak (brother-in-law), for offences under sections 498-A/406/34 of the IPC.
9. Thereafter however, *vidé* order dated 22.03.2025, the learned Magistrate discharged *all* the accused persons, including the husband and other in-laws of the deceased, *except respondent No.2*; and against him, the learned Magistrate framed charge under section 498-A of the IPC.
10. Now, the learned Sessions Court has allowed a revision petition filed by respondent No.2 (brother-in-law of the deceased) with the following reasoning:

“12. Furthermore, it is trite that every instance of harassment or ill-treatment does not qualify as ‘cruelty’ within the meaning and ambit of section 498A IPC. Either there should be persistent willful conduct which is likely to drive the women (sic) to commit suicide or to cause grave injury or danger to life limb and health or persistent harassment should have been caused with a view to coercing the woman or her relative to meet any unlawful demand including demand of dowry or on account of failure to meet



such demand. The severity and persistent nature of such unlawful acts as are required to constitute cruelty within the meaning and ambit of section 498A IPC, are clearly absent in the present case. Reference may be made to the judgments titled as ***Digambar v. State of Maharashtra, 2024SCC OnLine SC 3836; Manju Ram Kalita vs State of Assam, (2009) 13SCC 330; Shashi Arora v. State, 2025 SCC OnLine Del 8282; and Sumanlal Kodialbail v. State of West Bengal, 2025 SCC OnLine Cal 6773.***

“13. Adverting to the facts of the case the Ld. Trial Court has discharged all the accused persons including the husband of the victim and all the other in laws, except the present petitioner who is the brother-in-law of the victim. The Ld. Trial Court has observed that the entire charge sheet does not disclose any specific dowry demand made by any of the accused persons, except accused Deepak Verma, from the complainant or the deceased victim. **The Ld. Trial Court has further observed that however, there is a specific allegation against accused Deepak Verma who is the brother of accused Kuldeep that he had objected to the number of clothes given at the time of wedding and had insulted the complainant on the deficiency.** The Ld. Trial Court has further held that offence under section 498-A IPC is prima facie made out against accused Deepak as **there are specific allegations with respect to cruelty being committed upon the complainant by accused Deepak in connection with the demand of dowry.**

“14. Now, a perusal of the charge sheet reveals that the complainant has alleged that after the marriage the accused **Deepak (brother of the husband of the victim) had abused and misbehaved with the complainant/ respondent no. 2 and had stated there was a deficiency of one pair in so far as the clothes given by the family of the victim are concerned and thereafter he had threatened that**



in case the complainant/ respondent no. 2 is seen in the area of Nangloi she would be killed. The Ld. Trial Court has ordered framing of charges against the petitioner on the basis of this sole incident.

“15. First of all, in so far as this allegation is concerned, no specific date, time and place of the alleged incident has been revealed nor there is any cogent and viable evidence, apart from the bald statement of the complainant, that this incident had in fact taken place. Further it is nowhere alleged that the said clothes were given under compulsion by the victim’s family pursuant to a specific demand from the side of the in-laws. Thus, the mere pointing out deficiency of one pair in the clothes, which are customary gifts given at the time of marriage, by the petitioner, cannot be said to constitute a positive demand for dowry or constitute harassment under the provisions of section 498A IPC. There is no cogent and viable evidence that the petitioner made any positive demand for any specific substantial article as dowry. Furthermore, this conversation allegedly took place between the petitioner/accused and the complainant/respondent no. 2 (who is the sister of the victim) and not with the victim. There is no allegation that the incident took place in the presence of the victim or the petitioner afterwards communicated this fact to the victim as well or that this incident resulted in any mental cruelty being caused to the victim. There is no specific allegation that the victim was harassed by accused Deepak at the time of this incident or afterwards in connection with the demand of dowry. There is no specific allegation that the victim was treated with cruelty within the contemplation of section 498-A IPC during the said incident or afterwards by the petitioner/accused Deepak. Thus, the aforesaid allegations do not even prima facie disclose the commission of an



offence under section 498-A IPC by the petitioner/accused Deepak.

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“17. The Ld. Trial Court has already discharged all the other accused persons including the husband of the victim. The post mortem report shows that no external injuries were found on the body of the victim/ deceased and it was opined that she died because of hepatic failure which is a natural cause of death. There is no medical or other evidence to establish that the victim was treated with cruelty. The victim during her lifetime had not made any specific allegations of cruelty or harassment for dowry against the present petitioner. It is clear that the material on record even prima facie does not disclose any grave suspicion regarding the commission of the offence under section 498-A IPC by the petitioner/accused Deepak. Accordingly, the Ld. Trial Court committed a patent error and manifest illegality in directing that charge be framed against the petitioner/accused Deepak (brother-in-law) for the offence under section 498-A IPC. However, this error can always be corrected in exercise of revisional jurisdiction.”

(emphasis supplied)

11. A copy of Post Mortem Report dated 08.10.2018 in respect of the deceased is appended to the present petition. The post mortem report records the cause of death in the following words:

“**OPINION:** Cause of Death is shock as a result of hepatic failure, a natural cause of death.”

(bold in original)

12. Upon hearing learned counsel appearing for the petitioner; having perused the impugned order; and considering the allegation against respondent No.2 contained in the charge-sheet, this court is of the



view that there is nothing remiss in judgment dated 13.12.2025 by which the learned Sessions Court has been pleased to discharge respondent No.2 for the offence under section 498-A of the IPC in exercise of its revisional jurisdiction. This court is in agreement with the reasoning of the learned Sessions Court, as contained in the impugned judgement, which reasoning calls for no interference in exercise of the inherent powers of this court.

13. Accordingly, the present petition is dismissed, at the stage of issuance of notice itself.
14. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

APRIL 1, 2026

V.Rawat