



2026:DHC:3847



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

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*Judgment reserved on: 24.03.2026**Judgment pronounced on: 05.05.2026**Judgment uploaded on: 08.05.2026*+ **CRL.REV.P. 649/2024**

STATE (GNCTD)

.....Petitioner

Through: Mr. Naresh Kumar Chahar,
APP for the State along with
SI Akash.

versus

MANOJ KUMAR

.....Respondent

Through: Mr. Manish Rohilla, Mr.
Pradeep Kumar Yadav, Mr.
Mahesh Arasu, Mr. Abhishek
Singh and Mr. Aman Singh,
Advocates

+ **CRL.REV.P. 699/2024**

RAJESH KUMAR

.....Petitioner

Through: Mr. Anand Shankar and Mr.
Amit Kumar, Advs.

versus

THE STATE (NCT OF DELHI) AND ANR.Respondents

Through: Mr. Naresh Kumar Chahar,
APP for the State along with
SI Akash.
Mr. Manish Rohilla, Mr.
Pradeep Kumar Yadav, Mr.



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Mahesh Arasu, Mr. Abhishek Singh and Mr. Aman Singh, Advocates for R-2.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

DR. SWARANA KANTA SHARMA, J

1. By way of the present revision petitions, the petitioners, i.e. the State and the complainant, assail the order dated 09.12.2023 passed by the learned Additional Sessions Judge, North-East District, Karkardooma Courts, Delhi [hereafter '*Sessions Court*'] in a case arising out of FIR bearing no. 679/2022 registered at Police Station Bhajan Pura, Delhi for offences punishable under Sections 498A/304B/34 of the Indian Penal Code, 1860 [hereafter '*IPC*'], whereby the respondent-husband had been discharged of all the aforesaid offences.

FACTUAL BACKGROUND

2. The brief facts of the case are that on 12.12.2022, a PCR call had been received at Police Station Bhajan Pura *vide* GD no. 59A, conveying that a lady had fallen from the roof near Gyandeep Public School, Yamuna Vihar, Delhi, and had sustained injuries, pursuant to which she had been shifted to GTB Hospital. At the hospital, MLC no. BD/2233/10/22 had been prepared in respect of an unknown female, who was declared '*brought dead*' by the attending doctor.



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3. The present FIR had thereafter been registered on 12.12.2022 on the basis of the statement of the complainant, i.e. the father of the deceased, who stated that his daughter, Priya Chaudhary, had got married to the respondent-husband, Manoj Kumar Bainsla, on 20.02.2022. It was alleged that soon after the marriage, the deceased had been subjected to harassment in connection with dowry demands by her in-laws, including her brothers-in-law and sister-in-law. It was further alleged that the father-in-law, Lakhi Chand, along with the brothers-in-law, including Om Pal and his younger brother, had also subjected the deceased to acts of molestation and continuous ill-treatment. It was further stated that on 12.12.2022 at about 12:00 noon, the complainant had received a telephonic call from the respondent-husband informing him that the deceased had fallen and asking him to reach GTB Hospital immediately. Upon reaching the hospital at about 12:30 PM, the complainant found that his daughter had already been declared dead. A supplementary statement of the complainant had thereafter been recorded on 18.12.2022, wherein he stated that he had incurred expenses of about ₹30–35 lakhs on the marriage and had also paid a sum of ₹6 lakhs in cash to the father of the respondent-husband towards the purchase of a car. It was further stated that the matrimonial life of the deceased had remained normal for about two months after the marriage; however, thereafter, the accused persons, i.e. the respondent-husband, Resham, Om Pal, Dr. Ashu, Neelam, and Lakhi Chand, had allegedly started taunting the



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deceased on account of bringing insufficient dowry. Such taunts included remarks that a bigger car had been promised but only an amount sufficient to purchase a smaller car had been given, and that the gold articles were also less than what had been assured. It was stated that the deceased used to inform the complainant of such incidents whenever she visited her parental home, and despite her reluctance, she would return to her matrimonial home upon persuasion by her family.

4. It was further alleged that the accused Om Pal, who was stated to be a habitual drunkard, used to obstruct the deceased's way and indulge in acts of misbehaviour and obscenity. It was alleged that whenever the deceased had brought such conduct to the notice of the respondent-husband, he had ignored the same. The complainant further stated that he had apprised the respondent-husband of these incidents, who had assured him that he would address the issue and prevent any recurrence. It was also alleged that around the time of *karvachauth*, the deceased had informed the complainant that the respondent-husband had forcibly taken her to IHBAS for medical treatment despite her being in good health. Thereafter, the complainant had visited the matrimonial home of the deceased after *karvachauth* and had apprised the father-in-law, Lakhi Chand, of the issues narrated by the deceased; however, no heed had been paid to the same.

5. During the course of investigation, statements of other



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witnesses had also been recorded by the Investigating Officer (I.O.). CCTV footage of the nearby area had been collected, in which the deceased was seen falling. The cause of death of the deceased had been opined as shock as a result of antemortem injury to the head. All injuries had been opined to be antemortem in nature and caused by blunt force/surface impact. The CDR locations and call detail records of the accused persons as well as the family members of the deceased had been preserved. Upon completion of investigation, the chargesheet had been filed for offences under Sections 498A/304B/34 of the IPC against the respondent-husband, while the other family members had been kept in column no. 12 as suspects and had not been charge-sheeted.

6. Vide the impugned order, the respondent-husband was discharged in the present case by the learned Sessions Court.

RIVAL CONTENTIONS

7. The learned APP for the State submits that the impugned order dated 09.12.2023 passed by the learned Sessions Court is erroneous and legally unsustainable. It is contended that the learned Sessions Court has erred in discharging the respondent-husband at the threshold, without properly appreciating the material available on record and without applying the settled principles governing the stage of framing of charge. It is further submitted that the impugned order reflects a hasty approach and lack of due consideration of the



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material on record. The learned APP submits that the statements of key prosecution witnesses, namely Sh. Rajat Choudhary (brother of the deceased), Sh. Balkishan (grandfather of the deceased), Sh. Rajesh Kumar (father of the deceased and complainant), and Smt. Kanchan (mother of the deceased), disclose that the deceased was subjected to continuous harassment and cruelty in connection with dowry demands, including demands for a bigger car and additional gold. It is contended that these statements *prima facie* establish the involvement of the respondent-husband; however, the learned Sessions Court has failed to properly appreciate the same. It is further contended that the learned Sessions Court did not take into account that the prosecution had not yet been afforded an opportunity to establish the proximate link between the alleged cruelty and the unnatural death of the deceased. It is also argued that the deceased had died an unnatural death within seven years of her marriage, and therefore, the statutory presumption under Section 113B of the Indian Evidence Act, 1872 [hereafter 'IEA'] is attracted against the respondent-husband. On these grounds, it is prayed that the impugned order be set aside and appropriate directions be issued for proceeding against the respondent-husband in accordance with law. The learned counsel appearing for the complainant, i.e. petitioner in CRL.REV.P. 699/2024, has supported the submissions of the learned APP and has also prayed for setting aside of the impugned order.

8. Conversely, the learned counsel appearing for the respondent-



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husband submits that a perusal of the FIR dated 12.12.2022 would show that the allegations of dowry harassment were primarily directed against the brothers-in-law and sister-in-law of the deceased, and no specific allegation of dowry demand was made against the respondent-husband. It is submitted that despite the absence of such allegations, the FIR was registered under Section 304B of the IPC and the respondent was arrayed as an accused. It is further submitted that in the subsequent statement recorded under Section 161 of Cr.P.C., the complainant materially improved his version by introducing allegations against the respondent-husband, including that he used to taunt the deceased regarding a smaller car and insufficient gold, and that he had allegedly taken the deceased forcibly to IHBAS for treatment. It is contended that such improvements render the prosecution version unreliable. It is further submitted that the allegation regarding forcible medical treatment is contradicted by the medical record obtained from IHBAS pursuant to summons under Section 91 of Cr.P.C., which shows that the deceased was first registered on 18.10.2022, whereas the festival of *karvachauth*, when the alleged disclosure was made, fell on 13.10.2022. It is submitted that this inconsistency undermines the said allegation. It is further submitted that the medical record, as noted by the learned Sessions Court, indicates that the deceased was suffering from schizophrenia (ICD F-20), and the attending doctor had opined that such patients may commit suicide. It is contended



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that this supports the defence case. It is further submitted that even in the statement under Section 161 of Cr.P.C., the complainant had stated that the alleged misconduct was primarily attributable to the brother of the respondent-husband, and that upon being informed, the respondent-husband had assured corrective action. It is contended that despite such allegations, no complaint or legal action was taken at the relevant time, which indicates that no serious grievance existed against the respondent-husband. It is further submitted that there is no material to show the presence of the respondent-husband at or near the place of incident, and the record of the Delhi Fire Services indicates that the respondent-husband was on duty at the relevant time. It is also submitted that there is no forensic or medical evidence to suggest that the deceased was pushed or that any external force was involved. It is also contended that the learned Sessions Court has correctly applied the settled principles governing the stage of framing of charge, i.e. that there must exist a grave suspicion based on material which can be tested at trial. It is submitted that a mere conjecture or suspicion is not sufficient. In the present case, it is argued that no such grave suspicion arises against the respondent-husband. Accordingly, it is prayed that the revision petitions be dismissed.

9. This Court has **heard** the arguments addressed on behalf of the State, the complainant (deceased's father), and the accused, and has perused the material on record.



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ANALYSIS & FINDINGS

10. In the present case, this Court notes that the marriage between the respondent-husband and the deceased had been solemnised on 20.02.2022, and within about ten months of the marriage, the deceased died an unnatural death after falling from the balcony of her matrimonial home.

11. The chargesheet was filed before the concerned Court after investigation. Though the respondent-husband, his brothers, sister-in-law, and father had all been named during the course of investigation, the investigating agency, citing insufficient evidence, had kept the brothers, sister-in-law, and father of the respondent-husband in column no. 12 of the chargesheet, and only the respondent-husband had been shown as an accused in column no. 11. Cognizance of offences under Sections 498A and 304B of the IPC was taken by the learned Metropolitan Magistrate *vide* order dated 06.07.2023, and the matter was thereafter committed to the learned Sessions Court. Subsequently, upon consideration of the material placed on record, the learned Sessions Court *vide* impugned order dated 09.12.2023 discharged the respondent-husband of the offences under Sections 498A and 304B of the IPC.

12. This Court is now called upon to examine whether the material available on record discloses the essential ingredients of offences punishable under Sections 498A and 304B of the IPC and whether the discharge of the respondent-husband by the learned Sessions



Court calls for interference by this Court in exercise of its revisional jurisdiction.

A. Section 498A of IPC

13. The first issue that arises for consideration is whether the allegations levelled against the respondent-husband disclose cruelty or harassment in connection with dowry demands so as to justify framing of charge against him for the offence punishable under Section 498A of the IPC.

14. Before proceeding further, it shall be apposite to take note of Section 498A of the IPC, which reads as under:

“498A. Husband or relative of husband of a woman subjecting her to cruelty.—Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.—For the purposes of this section, “cruelty” means—

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.”

15. Section 498A of the IPC contemplates two distinct situations in which the offence of cruelty may be attracted:



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(i) where the conduct of the husband or his relatives is of such a nature as is likely to drive a woman to commit suicide *or* to cause grave injury or danger to her life, limb, or mental or physical health; *or*

(ii) where the woman is subjected to harassment with a view to coercing her or her relatives to meet any unlawful demand for property or valuable security, *or* on account of failure to meet such demand.

16. The Hon'ble Supreme Court in *Aluri Venkata Ramana v. Aluri Thirupathi Rai & Ors.* SLP(CRL.) NO. 9243/2024, observed that Section 498A of the IPC had been introduced with the object of protecting married women from cruelty at the hands of the husband or his relatives. The provision gives an expansive meaning to the expression "cruelty" so as to include both physical and mental harm, as well as harassment connected with unlawful demands such as dowry. The Hon'ble Supreme Court further observed that the Explanation to Section 498A distinguishes between "wilful conduct" and "harassment", both of which operate independently, as is evident from the use of the word "*or*" between the two clauses. Thus, cruelty may arise either from wilful conduct likely to cause grave mental or physical harm, or from harassment linked to unlawful demands. The relevant observations are reproduced hereinbelow:

"8. Section 498A of the IPC was introduced in the year 1983



with the primary objective of protecting married women from cruelty at the hands of their husbands or their in-laws. The section provides a broad and inclusive definition of "cruelty," encompassing both physical and mental harm to the woman's body or health. In addition, it covers acts of harassment designed to coerce the woman or her family into fulfilling unlawful demands for property or valuable security, including demands related to dowry. Notably, the provision also recognizes acts that create circumstances leading a woman to the point of suicide as a form of cruelty.

9. The definition of "harassment" under the Explanation to Section 498A is specifically outlined in clause (b), independent to the "wilful conduct" described in clause (a), thus necessitating a separate reading of the two. It is significant to note that the inclusion of the word "or" at the end of clause (a) clearly indicates that "cruelty" for the purposes of Section 498A can either involve wilful conduct that causes mental or physical harm or harassment related to unlawful demands, such as dowry. Moreover, these forms of cruelty can co-exist, but the absence of a dowry-related demand does not preclude the application of the section in cases where there is mental or physical harassment unrelated to dowry. In interpreting the provision, it is crucial to consider the broader objective behind its introduction—to safeguard women from all forms of cruelty, regardless of whether the nature of the harm inflicted includes a specific demand for dowry or not."

17. At the same time, it is also well settled that, for the purpose of attracting Section 498A of the IPC, the allegations must be specific, and not vague or omnibus [Ref: *Dara Lakshmi Narayana v. State of Telangana*: 2024 INSC 953].

18. *Firstly*, one of the allegations against the respondent-husband levelled by the complainant is that at the time of Karvachauth, 2022, the deceased had informed him that she had been forcibly taken to IHBAS by the respondent-husband despite



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being in a fit and healthy condition. In this regard, it is also necessary to consider the contention raised on behalf of the respondent-husband that the deceased was suffering from schizophrenia and that persons suffering from such illness may have suicidal tendencies. According to the respondent-husband, this fact stands substantiated from the medical records obtained from IHBAS.

19. This Court has carefully perused the medical records which had been summoned by the learned Sessions Court. The said records indicate that the deceased had been diagnosed with schizophrenia. The order sheet dated 02.12.2023 passed by the learned Sessions Court also records the said position. The doctor from IHBAS, who was present before the learned Sessions Court, had confirmed that the deceased had been suffering from schizophrenia for approximately two years and was exhibiting symptoms such as self-muttering and inappropriate smiling. The doctor had further clarified that patients suffering from schizophrenia may have increased tendencies towards self-harm or suicide due to the nature of the illness. The relevant portion of the order sheet dated 02.12.2023 reads as under:

“3. After examining the medical record with the help of doctor present in the court, it is noted that on 18.10.2022 the patient came to IHBAS with her husband with chief complaints of self muttering, self smiling, hearing voices, disturbed sleep and odd eccentric behaviour. The duration of the symptoms was two



years.

4. The patient was provisionally diagnosed as suffering from schizophrenia ICD code F-20 (International Classification of Disease)) by Dr. Isha, MD Psychiatry. Patient was advised tablet haloperidol 5 mg o.d initially for five days then was changed to 5 mg twice daily and tablet lorazepam 2 mg Y2 at bed time. This was prescribed for three weeks.

5. Thereafter, husband of patient Priya followed up for medication and she was prescribed tablet haloperidol 5 mg twice daily for one month.

6. On inquiry, the doctor submitted that a patient of such illness may commit suicide due to illness.”

20. Therefore, this Court also finds merit in the observation of the learned Sessions Court regarding the allegation that the deceased had been forcibly taken to IHBAS by the respondent-husband. The material placed on record shows that the deceased had first visited IHBAS on 18.10.2022 along with the respondent-husband, whereas Karvachauth had fallen on 13.10.2022. The medical record further indicates that the deceased had been taken to the hospital with complaints relating to self-muttering, hearing voices, disturbed sleep, and odd behaviour. It has also come on record that the respondent-husband had informed the complainant about the abnormal behaviour of the deceased and had thereafter taken her for medical treatment. At this stage, the visit to IHBAS, viewed in the light of the medical record available on record, cannot *prima facie* be construed as an act of forcible treatment or cruelty on the part of the respondent-husband.

21. Nevertheless, in the present case, the complainant, i.e. the father of the deceased, has also alleged in his statement recorded



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under Section 161 of the Cr.P.C., forming part of the chargesheet, that the deceased used to communicate with him over mobile phone and had informed him that the respondent-husband and other in-laws would taunt her by stating, “*tumhare baap ne to badi gaadi dene ki baat ki thi lekin chhoti gaadi ke paise diye, jo sona dene ka vaada kiya tha, woh bhi kam diya.*”

22. The aforesaid allegations levelled by the complainant are specific in nature and have been directly attributed to the respondent-husband. The alleged remarks, that the complainant had promised a bigger car but had given money sufficient only for a smaller car, and that the gold articles given were less than what had been promised, *prima facie* indicate harassment of the deceased in connection with alleged dowry demands.

23. It is also pertinent to note that the statements of the mother, brother, and grandfather of the deceased were also recorded under Section 161 of the Cr.P.C. All of them have consistently stated that the respondent-husband used to taunt the deceased on account of the alleged non-fulfilment of dowry-related promises. It has further come on record that whenever the deceased visited her parental home, she would express reluctance to return to her matrimonial home. However, upon persuasion and reassurance by her family members that such issues are common in matrimonial life and would eventually resolve, she would return to her matrimonial home.

24. In the opinion of this Court, the allegations levelled against the



respondent-husband disclose harassment connected with alleged dowry demands and, therefore, cannot be brushed aside at the stage of framing of charge.

25. However, on this aspect, the learned Sessions Court has observed as under:

“24. In my considered view, even the allegation regarding the accused having taunted the deceased about gold and big car does not inspire any confidence prima facie as he was a widower and father of two small kids who were in dire need of a motherly figure who could take care of them in the formative years of their lives. In fact, this is the primary reason why a widower with two young children would solemnize a second marriage after two years of demise of his wife and it is a social reality that it becomes very difficult for a single parent who is working, to manage the affairs of home in such circumstances.

25. Even assuming these allegations to be correct for the sake of argument, the same taken on their face value cannot qualify to be falling within the definition of the word 'cruelty' as envisaged under section 498A IPC and fall short of that. The conduct to fall within that definition has to be something much graver. Merely taunting a person for having brought 'less gold and small car may constitute a different offence/violation of civil law but it is not an act which is likely to cause any grave injury to life or limb or physical/mental health of a victim nor is it even likely to drive her to commit suicide.”

26. The observations of the learned Sessions Court are to the effect that the alleged remarks amount to mere taunts and do not satisfy the ingredients of cruelty under Section 498A of the IPC.

27. This Court, however, is unable to agree with the said observations at this stage. The allegations against the respondent-husband are not of stray or isolated remarks, but of repeated taunts



made to the deceased in relation to alleged dowry expectations. As per the material on record, the complainant has stated that the matrimonial relationship had remained cordial only for the initial two months after the marriage, and thereafter the deceased was allegedly subjected to repeated taunts regarding the alleged failure of her family to fulfil the promised dowry demands.

28. At the stage of framing of charge, the Court is only required to examine whether the material on record discloses a *prima facie* case or gives rise to grave suspicion against the accused. In ***Manendra Prasad Tiwari v. Amit Kumar Tiwari***: 2022 SCC OnLine SC 1057, it was held that:

“...At the stage of framing of a charge, the court is concerned not with the proof of the allegation rather it has to focus on the material and form an opinion whether there is strong suspicion that the accused has committed an offence, which if put to trial, could prove his guilt. The framing of charge is not a stage, at which stage the final test of guilt is to be applied. Thus, to hold that at the stage of framing the charge, the court should form an opinion that the accused is certainly guilty of committing an offence, is to hold something which is neither permissible nor is in consonance with the scheme of Code of Criminal Procedure.”

29. Thus, the truthfulness or otherwise of the allegations is a matter of trial. In the facts of the present case, repeated taunts relating to dowry demands, if taken at face value, cannot be treated as casual remarks at this stage.

30. This Court is also of the opinion that the learned Sessions Court erred in drawing an inference that the respondent-husband,



merely because he had entered into a second marriage for the purpose of providing care to his children, would have no reason to subject the deceased to cruelty. Such an inference is essentially based on conjecture and is not supported by any legal principle. The reasons for entering into a marriage cannot, by themselves, rule out the possibility of cruelty or harassment within the matrimonial relationship. Thus, the learned Sessions Court, in the opinion of this Court, exceeded the limited scope of consideration permissible at the stage of charge by evaluating the probability of the allegations on the basis of presumed conduct of the respondent-husband.

31. Therefore, in view of the foregoing discussion, this Court is of the *prima facie* opinion that the allegations against the respondent-husband disclose harassment in connection with alleged dowry demands, thereby attracting the ingredients of Section 498A of the IPC for the purpose of framing of charge.

B. Section 304B of the IPC

32. The respondent-husband had also been discharged of the offence punishable under Section 304B of the IPC by the learned Sessions Court. Therefore, it would be apposite to first refer to Section 304B of the IPC and the essential ingredients required to attract the said provision. Section 304B of the IPC reads as under:

“304B. Dowry death.— (1) Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to



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cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called “dowry death”, and such husband or relative shall be deemed to have caused her death.

Explanation.—For the purpose of this sub-section, “dowry” shall have the same meaning as in section 2 of the Dowry Prohibition Act, 1961 (28 of 1961).

(2) Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.”

33. A perusal of Section 304B of the IPC makes it clear that, in order to attract the said provision, the following essential ingredients are required to be satisfied:

- (i) the death of a woman must have been caused by burns, bodily injury, or otherwise than under normal circumstances;
- (ii) such death must have occurred within seven years of her marriage;
- (iii) the woman must have been subjected to cruelty or harassment by her husband or his relatives soon before her death; and
- (iv) such cruelty or harassment must have been in connection with demand for dowry.

34. In the present case, it is not in dispute that the death of the deceased had occurred within seven years of her marriage and under circumstances which were not normal. Further, as discussed



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hereinabove, there are certain allegations on record which *prima facie* disclose harassment in connection with alleged dowry demands. However, one of the important ingredients of Section 304B of the IPC, that the deceased must have been subjected to cruelty or harassment “*soon before her death*”, requires closer examination in the facts of the present case.

35. A perusal of the statement of the complainant recorded under Section 161 of the Cr.P.C. shows that he has alleged that the taunts regarding insufficient dowry had started about two months after the marriage. *However*, there is no specific allegation in the statement as to any particular incident of dowry-related harassment having taken place immediately prior to the death of the deceased or within close proximity thereto.

36. Further, it also emerges from the material placed on record that the respondent-husband was not present at the matrimonial home at the time of the incident and was stated to be on official duty at his workplace. The official duty record collected during investigation *prima facie* supports his presence in office at the relevant time.

37. It is also pertinent to note that, during investigation, the location and CDR details of the family members were verified, and except for accused Neelam, none of the other family members were found to be present at the house at the relevant time. The material on record further indicates that the incident had come to the notice of accused Neelam through a passerby after the deceased had fallen.



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Thus, at this stage, there is no material on record to *prima facie* indicate that the respondent-husband was physically present at the spot at the time of the incident or that the deceased had been pushed from the balcony.

38. The Hon'ble Supreme Court, in *Satbir Singh v. State of Haryana: (2021) 6 SCC 1* has held that the expression “soon before” in Section 304B of the IPC cannot be interpreted in a rigid or straitjacket manner. Whether the cruelty or harassment was inflicted “soon before” the death of the woman has to be determined by the Court in the facts and circumstances of each case. The Hon'ble Supreme Court has further held that what is essential is the existence of a proximate and live link between the alleged cruelty or harassment in connection with dowry demands and the death of the victim. The relevant observations are reproduced hereinbelow:

“15. Considering the significance of such a legislation, a strict interpretation would defeat the very object for which it was enacted. Therefore, it is safe to deduce that when the legislature used the words, “soon before” they did not mean “immediately before”. Rather, they left its determination in the hands of the courts. The factum of cruelty or harassment differs from case to case. Even the spectrum of cruelty is quite varied, as it can range from physical, verbal or even emotional. This list is certainly not exhaustive. No straitjacket formulae can therefore be laid down by this Court to define what exacts the phrase “soon before” entails.

16. The aforesaid position was emphasized by this Court, in the case of *Kans Raj v. State of Punjab*, wherein the three- Judge Bench held that: (SCC pp 222-23 para 15)

“15. ... “Soon before” is a relative term which is required to be considered under specific circumstances of each case



and no straitjacket formula can be laid down by fixing any time-limit. ... *In relation to dowry deaths, the circumstances showing the existence of cruelty or harassment to the deceased are not restricted to a particular instance but normally refer to a course of conduct. Such conduct may be spread over a period of time. Proximate and live link between the effect of cruelty based on dowry demand and the consequential death is required to be proved by the prosecution. The demand of dowry, cruelty or harassment based upon such demand and the date of death should not be too remote in time which, under the circumstances, be treated as having become stale enough.*

(emphasis supplied)

A similar view was taken by this Court in *Rajinder Singh v. State of Punjab*.

17. Therefore, Courts should use their discretion to determine if the period between the cruelty or harassment and the death of the victim would come within the term “soon before”. What is pivotal to the above determination, is the establishment of a “*proximate and live link*” between the cruelty and the consequential death of the victim.”

39. Thus, while considering an offence under Section 304B of the IPC, the Court is required to examine whether the material on record discloses a proximate nexus between the alleged dowry-related harassment and the death of the deceased.

40. In the present case, though there are allegations regarding dowry-related taunts by the respondent-husband, there is no specific material on record indicating when the deceased was last subjected to such harassment prior to her death. No particular incident – proximate to the date of death – has been brought on record so as to establish the necessary live and proximate link contemplated under



Section 304B of the IPC. This aspect is also significant in the facts of the present case, particularly in view of the medical record collected during investigation, which indicates that the deceased had been suffering from schizophrenia. The record placed before the learned Sessions Court also reflects that the deceased had symptoms such as self-muttering, hearing voices, disturbed sleep, and odd behaviour, and the doctor had opined that patients suffering from such illness may have suicidal tendencies.

41. At the stage of consideration of charge, though a meticulous appreciation of evidence is not required, the Court is still required to examine whether the basic ingredients of the offence are disclosed from the material placed on record. In the present case, in the absence of material showing a proximate and live link between the alleged dowry-related harassment and the death of the deceased, this Court is of the opinion that the essential ingredient of “soon before her death” is not *prima facie* made out.

42. Therefore, in the facts and circumstances of the present case, this Court is of the considered opinion that no ground for framing charge against the respondent-husband for the offence punishable under Section 304B of the IPC is made out.

C. Conclusion

43. For the reasons recorded hereinabove, and having regard to the facts and circumstances of the present case, this Court is of the



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considered opinion that the learned Sessions Court erred to the extent it discharged the respondent-husband for the offence punishable under Section 498A of the IPC, as the material placed on record *prima facie* discloses the ingredients of the said offence. However, this Court finds no infirmity in the impugned order insofar as the discharge of the respondent-husband for the offence punishable under Section 304B of the IPC is concerned.

44. Consequently, the impugned order dated 09.12.2023 is set aside to the limited extent that it discharged the respondent-husband for the offence punishable under Section 498A of the IPC. The learned Sessions Court is directed to frame charge against the respondent-husband for the offence punishable under Section 498A of the IPC and proceed further in accordance with law.

45. The revision petitions stand disposed of in the above terms.

46. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

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