



2026:DHC:6741



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

Reserved on: 06.08.2026
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CNR No. DLHC012500962015

+ **CRL.REV.P. 324/2015 & CRL.M.A. 27774/2023**

SUKH CHAND & ANR.Petitioner

Through: Mr. Rajesh Khanna, Adv.

Versus

STATE OF NCT OF DELHI

.....Respondents

Through: Mr. Manoj Pant, APP with SI Naresh
Kumar.

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

JUDGEMENT

MADHU JAIN, J.

1. By way of the present revision petition under Sections 397/401 of the Code of Criminal Procedure, 1973 (hereinafter referred as 'Cr.P.C.'), the petitioners assail the order dated 25.02.2015 passed by the learned Additional Sessions Judge-04, North District, Rohini Courts, Delhi, in FIR No. 319/2013 registered at Police Station Bhalswa Dairy, whereby charges for offences punishable under Sections 498-A/304-B/34 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC') were framed against the accused persons.

2. At the outset, it is noted that petitioner No.1, who was the father-in-law of the deceased, expired on 25.05.2020 during the pendency of the present revision petition. The factum of his death was duly verified from the death certificate and



the record of the learned Trial Court. Consequently, vide order dated 14.03.2024, the present revision petition stood abated qua petitioner No.1. The present petition, therefore, survives only qua petitioner No.2, Renu, who is the mother-in-law of the deceased. It is clarified that the husband of the deceased, Sanjay, who was arrayed as accused No.1 before the learned Trial Court, is not a party to the present revision petition. The adjudication in the present proceedings is, accordingly, confined to the challenge raised by petitioner No.2.

FACTUAL MATRIX

3. Briefly stated, the facts of the case are that the deceased was married to the son of the petitioners on 24.04.2012 according to Hindu rites and ceremonies. Petitioner No.1, and petitioner No.2, were her father-in-law and mother-in-law, respectively. A female child was born from wedlock on 30.07.2013. On 23.10.2013, the deceased was found hanging from a ceiling fan at her matrimonial home at D-1/657, J.J. Colony, Bhalswa Dairy, Delhi. She was taken to Babu Jagjivan Ram Memorial Hospital, where she was declared brought dead.

4. As the death had occurred within seven years of marriage and was otherwise than under normal circumstances, inquest proceedings were conducted by the learned SDM and the statements of the mother and brother of the deceased were recorded. On the basis of those statements, FIR No. 319/2013 was registered at Police Station Bhalswa Dairy for offences punishable under Sections 304-B/498-A/34 of IPC against the petitioners.

5. During the course of investigation, the statement of the father of the deceased was recorded. The charge-sheet was thereafter filed on 20.01.2014 against the husband of the deceased, under Sections 498-A/304-B/34 IPC.



During investigation, statements of the deceased's relatives were recorded, wherein it was alleged that the deceased had, shortly before her death, disclosed that she was being taunted for not bringing a motorcycle and for not contributing towards household expenditure. It was further alleged that she had complained about her husband's conduct and his alleged illicit relationship with his Bhabhi. Supplementary chargesheets were filed on 03.03.2014 and 04.06.2014 wherein further statements of family members of the deceased and the petitioner/accused persons were recorded.

6. Vide order dated 25.02.2015, the learned Trial Court, upon consideration of the material on record, found sufficient ground to proceed against the accused persons and framed charges under Sections 498-A/304-B/34 IPC. Aggrieved by the said order, petitioners have preferred the present revision petition.

SUBMISSIONS ON BEHALF OF THE PETITIONER

7. Learned counsel for Petitioner submits that the learned Trial Court has erred in framing charges under Sections 498-A/304-B/34 IPC despite there being no material to prima facie establish cruelty or harassment on account of dowry against the petitioner. It is submitted that from the date of marriage till the death of the deceased, neither the deceased nor her parents had made any complaint against the petitioner or any other member of the matrimonial family regarding harassment, torture or demand of dowry.

8. It is submitted that even in the statement recorded before the learned SDM, Smt. Kalpana, mother of the deceased and the complainant, categorically stated that her daughter had never complained of any kind of torture or harassment and that on 22.10.2013, a day prior to her death, the deceased had



spoken to her over the telephone and informed her that she was well.

9. Learned counsel submits that the only allegation emerging from the said statement against the petitioner is that the parents of Sanjay had stated that steel utensils had been given in dowry whereas bronze utensils were required and that the deceased had, on one or two occasions, told her mother that her in-laws were demanding bronze utensils. It is argued that a mere demand for bronze utensils, in the absence of any allegation of harassment or coercion in connection therewith, cannot by itself constitute cruelty within the meaning of Section 498-A IPC.

10. It is further submitted that the subsequent statements recorded during investigation cannot be relied upon to sustain the charge against the petitioner as they contain material improvements over the first statement recorded during the inquest proceedings.

11. Learned counsel further submits that further supplementary statements were recorded after a considerable lapse of time and introduced, for the first time, allegations of physical and mental torture, demand for a motorcycle and other allegations which were conspicuously absent from the earlier statements. According to learned counsel, these subsequent statements are vague and do not attribute any specific overt act to the petitioner.

12. Learned counsel further submits that the essential requirement of Section 304-B IPC, namely, that the deceased must have been subjected to cruelty or harassment for, or in connection with, a demand for dowry “soon before her death”, is also not satisfied. It is argued that there is no material showing any such incident proximate to the death of the deceased.

13. Learned counsel submits that no suicide note was recovered from the spot and there were no injury marks on the body of the deceased suggestive of any



physical assault. The post-mortem examination found the death to be due to antemortem hanging, while the viscera report did not detect any poison or intoxicant.

14. Learned counsel further submits that the learned SDM, after conducting the inquest proceedings and recording the statements of the mother and brother of the deceased, did not recommend registration of any case and handed over the proceedings to the Investigating Officer.

15. In support of his submissions, learned counsel for Petitioner relies upon the decisions in *Smt. Deepa Bajwa v. State & Ors.*, 2004 (3) JCC 1754; *Sunil Bansal v. State of Delhi*, 2007 (2) JCC 1415; and *Mangat Ram v. State of Haryana*, AIR 2014 SC 1782.

SUBMISSIONS ON BEHALF OF THE STATE

16. Per contra, learned APP for the State opposes the present petition and submits that the material collected during investigation clearly discloses a prima facie case against Petitioner for offences punishable under Sections 498-A/304-B/34 IPC. It is submitted that the deceased died an unnatural death within seven years of her marriage and that the material on record discloses that she was subjected to cruelty and harassment in connection with demands for dowry by her husband and in-laws.

17. Learned APP submits that as per the statement of the deceased's mother/complainant and deceased brother recorded by the executive magistrate where it is stated that petitioners had visited her house and complained that steel utensils had been given in dowry whereas bronze utensils were required. The complainant further stated that the deceased had told her once or twice that her in-laws were demanding bronze utensils.



18. Learned APP submits that the father of the deceased has stated that after some time of the marriage, the deceased was subjected to harassment on account of dowry demands by her husband, mother-in-law and father-in-law and was subjected to taunting on petty issues.

19. He submits that there are allegations by the complainant that deceased had been subjected to physical and mental torture in connection with dowry demands. It is submitted that, about seven to eight days prior to her death, the deceased had visited her parental home and disclosed that her in-laws were taunting her regarding household expenses and were demanding a motorcycle. Even the sister of the deceased stated that the deceased had told her during her lifetime that her in-laws taunted her and demanded a motorcycle in connection with dowry.

20. 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(hereinafter referred to as 'IEA') is attracted against the respondent-husband. On these grounds, it is submitted that the learned Trial Court has rightly declined to discharge the accused persons and that the impugned order does not suffer from any illegality or infirmity.

ANALYSIS AND FINDING

21. I have heard the learned counsel for the petitioner and learned APP for the State and have perused the material on record.

22. Before dealing with the aforementioned submissions, it is necessary to bear in mind the scope of the present proceedings. At the stage of framing of charge, this Court is not required to undertake a meticulous appreciation of the evidence or to determine whether the material collected by the prosecution



would ultimately result in conviction. At the stage of framing of charge, the Court is required to consider the material placed on record along with the investigation and determine whether the facts emerging therefrom disclose the essential ingredients of the alleged offences. The Court is not required to undertake a detailed appreciation of the evidence or conduct a roving inquiry into the merits of the case. An in-depth examination of the evidence or a mini-trial is impermissible at this stage. The principles in this regard have been reiterated by the Supreme Court in *Amit Kapoor v. Ramesh Chander*, (2012) 9 SCC 460; *Asim Shariff v. National Investigation Agency*, (2019) 7 SCC 148; and *Dipakbhai Jagdishchandra Patel v. State of Gujarat*, (2019) 16 SCC 547.

23. The first question which arises for consideration is whether the material on record discloses the ingredients of the offence punishable under Section 498-A IPC against Petitioner. Learned counsel for the petitioner submits that the first statement of the mother of the deceased, recorded by the learned SDM, completely rules out any allegation of dowry demands or harassment of the deceased and that the subsequent statements recorded during investigation are material improvements. It is further contended that the only allegation concerning the petitioner in the initial statement is with respect to the demand for bronze utensils, which, according to learned counsel, cannot by itself constitute cruelty within the meaning of Section 498-A IPC.

24. In this regard, it would be apposite to produce the relevant portion of the complainant's statement forming part of the FIR, which reads as under:

“मैं, कल्पना W/o श्री बृज गोपाल R/o 165 शाहपुर गढ़ी
नरेला दिल्ली-40 अपने पूरे होश में यह बयान करती हूँ
कि मेरी बेटी जयश्री (मृतका) की शादी April 2012 में



हिन्दू रीति रिवाज से शाहपुर गढ़ी में संजय S/o श्री सुखदेव के साथ सम्पन्न हुई। शादी से कल तक मेरी बेटी ने कभी भी कोई मारपीट या प्रताड़ना की सूचना नहीं दी। दिनांक 22/10/13 को भी मेरी बेटी ने फोन पर कहा था की वह ठीक है। हमारे दामाद के माता पिता ने हमारे घर आकर हमसे कहा कि आपने Steel के बर्तन दहेज में दिये हैं जबकि कांसे के बर्तन चाहिए। मेरी बेटी ने एक दो बार मुझे बताया कि उसके ससुराल वाले कांसे के बर्तनों की मांग करते हैं। मुझे संदेह की मेरे हिसाब से मेरे दामाद संजय ने दारू पीकर मेरी बेटी को फांसी लगा कर मारा है। मुझे मेरी बेटी की हत्या में न्याय चाहिए इसलिए कानूनी कार्यवाही होनी चाहिए।”

25. A perusal of the aforesaid statement shows that the complainant initially stated that the deceased had never complained of any beating or harassment and had informed her on 22.10.2013 that she was fine. However, the same statement also records that the deceased had told her on one or two occasions that her in-laws demanded bronze utensils, and that the parents of the husband had themselves raised such a demand. Thus, the allegation of demand by the petitioner is present in the very first statement and cannot be said to have been introduced subsequently. The subsequent statements in the supplementary chargesheets are, therefore, required to be examined in this backdrop to determine whether they merely elaborate upon the allegation already made or introduce a substantially new case of dowry-related cruelty.

26. The subsequent statement recorded of the father of the deceased on 25.02.2014 reads as under:



“मेरी बेटी मरने से 7-8 दिन पहले नवरात्रों में घर आई थी और उसने मुझे बताया था कि उसका पति व सास व ससुर उसे ताना मारते हैं कि तू फोकट की रोटी तोड़ती है, महीने का खर्च तो कम से कम अपने घर से ले आया कर। जो तीनों मेरी लड़की से कहते थे कि हमने तो मोटरसाईकिल मांगी थी और तेरे मां-बाप ने सिर्फ साईकिल देकर ही टाल दिया और जब मैं और मेरी पत्नी मेरी लड़की के मरने के 3-4 दिन पहले उसके घर भलस्वा उससे मिलने गये तो उसने मेरी पत्नी को बताया कि उसका पति संजय उसकी इज्जत भी नहीं करता है और अपनी बड़ी भाभी के पास ही रहता है जिससे उसके नाजायज संबंध भी हैं, जिससे मेरी बेटी बहुत ही दुखी थी और इन्हीं कारणों से और दहेज की मांगों से परेशान आकर उसने अपनी जीवन लीला खत्म कर ली।”

27. On the same date, i.e. 25.02.2014, a subsequent similar statement of, mother of the deceased /complainant, was also recorded which reads as under:

“मेरी बेटी मरने से 7-8 दिन पहले नवरात्रों में घर आई थी और उसने मुझे व मेरे पति को बताया था कि उसका पति व सास व ससुर उसे ताना मारते हैं कि तू फोकट की रोटी तोड़ती है, महीने का खर्च तो कम से कम अपने घर से ले आया कर। जो तीनों मेरी लड़की से कहते थे कि हमने तो मोटरसाईकिल मांगी थी और तेरे माँ-बाप ने सिर्फ साईकिल देकर ही टाल दिया, कांसे के बर्तनों की जगह स्टील के दे दिये और जब मैं और मेरे पति



मेरी लड़की के मरने के 3-4 दिन पहले उसके घर भलस्वा उससे मिलने गये तो उसने मुझे बताया कि उसका पति संजय उसकी इज्जत भी नहीं करता है और अपनी बड़ी भाभी के पास ही रहता है जिससे उसके नाजायज संबंध भी है, जिससे मेरी बेटी बहुत ही दुखी थी और इन्हीं कारणों से और दहेज की मांगों से परेशान आकर उसने अपनी जीवन लीला खत्म कर ली।”

28. In the present case, the aforesaid material cannot be brushed aside at the stage of charge merely on the ground that all these details do not find place in the first statement of the complainant. It is true that the subsequent statements contain allegations which are more detailed than the first statement. The Court, however, at this stage is not called upon to determine whether the later statements are truthful or whether the omissions in the earlier statement amount to material improvements. Those are questions which would require the witnesses to be examined and cross-examined. What is relevant at the present stage is that the initial statement itself contains an allegation of demand for utensils by the parents of the husband and that the subsequent statements furnish further particulars concerning the alleged harassment and dowry demands.

29. The fact that the aforesaid statements were recorded during further investigation in supplementary chargesheet also does not, by itself, render the material liable to be ignored at the stage of framing of charge. In ***Vinay Tyagi v. Irshad Ali @ Deepak*, (2013) 5 SCC 762**, the Supreme Court, while considering the scheme of Section 173 Cr.P.C., held that a supplementary report is a continuation of the primary investigation and supplements the earlier report. The Court observed as follows:



“The supplementary report has to be treated by the Court in continuation of the primary report and the same provisions of law, i.e., Sub-section (2) to Sub-section (6) of Section 173 shall apply when the Court deals with such report...”

30. Thus, the subsequent statements forming part of the supplementary charge-sheets have to be considered along with the material contained in the main charge-sheet. The question whether the later statements amount to improvements, and if so, whether such improvements affect their credibility, is not one which can be conclusively determined at the stage of charge.

31. Another contention raised by learned counsel for the petitioner is that the only allegation in the initial statement concerning the petitioner is with respect to a demand for bronze utensils, which, according to learned counsel, cannot by itself constitute cruelty within the meaning of Section 498-A IPC.

32. Section 498-A IPC 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 purpose 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.”

33. The aforesaid contention cannot be accepted in the manner urged. The prosecution case is not confined to a bare demand for utensils. The material collected during investigation discloses specific allegations that the deceased was subjected to taunts and harassment on account of the articles not brought from her parental home. It is also alleged that a motorcycle was demanded and that the deceased was told to bring household expenses from her parents. These allegations are not confined to a general assertion of harassment, but disclose specific demands and the circumstances in which the deceased was allegedly subjected to taunts on account of non-fulfilment thereof.

34. The question, therefore, is not whether the demand for bronze utensils, considered in isolation, would amount to cruelty. The material has to be considered as a whole. The allegations of demand for articles, the alleged demand for a motorcycle, the taunts on account of the articles brought from the parental home and the insistence that the deceased bring household expenses from her parents, prima facie disclose harassment having a nexus with the alleged unlawful demands. Whether the allegations are ultimately proved is a matter for trial. However, at this stage the abovementioned allegations, prima facie fall within Explanation (b) to Section 498-A IPC.

35. The next question which arises for consideration is whether the material



on record also discloses the ingredients of the offence punishable under Section 304-B IPC. Section 304-B IPC reads as under:

“304B. Dowry death.—

(a) 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 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 subsection, “dowry” shall have the same meaning as in section 2 of the Dowry Prohibition Act, 1961 (28 of 1961).

(b) 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.”

36. A perusal of the aforesaid provision shows that, for attracting Section 304-B IPC, the prosecution must prima facie establish the following: (i) the death of a woman was caused by burns, bodily injury or occurred otherwise than under normal circumstances; (ii) such death occurred within seven years of her marriage; (iii) soon before her death, she was subjected to cruelty or harassment by her husband or any relative of her husband; and (iv) such cruelty or harassment was for, or in connection with, a demand for dowry.

37. In the present case, there is no dispute that the deceased was married to Sanjay on 24.04.2012 and died on 23.10.2013, i.e. within seven years of her marriage. Her death by hanging was admittedly an unnatural death. The question



which, therefore, requires consideration is whether there is material to prima facie show that, soon before her death, she was subjected to cruelty or harassment in connection with a demand for dowry.

38. The expression “soon before” does not mean “immediately before”. The Supreme Court in ***Satbir Singh v. State of Haryana, (2021) 6 SCC 1***, has held that no fixed period can be prescribed for determining whether the cruelty or harassment was suffered “soon before” the death. What is required is a proximate and live link between the alleged dowry-related cruelty or harassment and the death. The Court observed:

“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.”

The Court further held that:

“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. In the present case, learned counsel for the petitioner contends that this requirement is not satisfied as there is no material showing any dowry-related harassment proximate to the death of the deceased. This contention cannot be accepted.

40. The statement of the father and mother of the deceased records that about 7–8 days before her death, the deceased had come to her parental home and told him that her husband, mother-in-law and father-in-law taunted her and asked her



to bring the monthly household expenses from her parents. He further stated that all three told her that they had demanded a motorcycle, whereas her parents had given only a cycle. It is further stated by the parents of the deceased that they had met her at her matrimonial home about 3–4 days before her death, when the deceased again spoke to them about the conduct of her husband and the circumstances which were causing her distress. The fact that the initial statement of the complainant does not contain these particulars cannot, by itself, lead to the conclusion that the requirement of “soon before her death” is not satisfied.

41. At this stage, the Court is not required to determine whether these allegations are ultimately proved or whether the witnesses will withstand cross-examination. The statements have to be considered as part of the material collected during investigation. The requirement of “soon before” under Section 304-B IPC is consequently *prima facie* satisfied. Whether the prosecution is ultimately able to establish the requisite proximate and live link between the alleged cruelty and the death is a matter to be determined after the evidence is led at trial.

42. The learned counsel has also relied upon the absence of a suicide note or injury marks and the FSL report, which did not detect the specified poisons or other substances in the viscera. These circumstances relate to the manner and cause of death and do not, by themselves, negate the allegations of cruelty or dowry-related harassment. Furthermore, the absence of any prior complaint by the deceased also cannot, at this stage, outweigh the material subsequently collected during investigation.

43. Lastly, learned counsel for the petitioner has relied upon *Smt. Deepa Bajwa v. State & Ors. (supra)*, *Sunil Bansal v. State of Delhi (supra)* and *Mangat Ram v. State of Haryana (supra)*. However, the facts and circumstances



in the said decisions are materially different from those in the present case and, therefore, the aforesaid judgments do not assist the case of the petitioner.

44. On a cumulative consideration of the material placed on record, this Court finds that the allegations against the petitioner cannot be said to be vague, inherently improbable or wholly unsupported by the material collected during investigation. At the stage of framing of charge, this Court is not required to determine the ultimate truth of these allegations. The material, if taken at face value, discloses the ingredients of the offences alleged and raises a prima facie case against the petitioner. The learned Trial Court, therefore, cannot be said to have committed any illegality or material irregularity in framing charges under Sections 498-A/304-B/34 IPC.

CONCLUSION

45. Keeping in view the aforesaid discussion, this Court finds no ground to interfere with the order dated 25.02.2015 passed by the learned Additional Sessions Judge-04, North District, Rohini Courts, Delhi, in FIR No. 319/2013, Police Station Bhalswa Dairy.

46. The present revision petition is, accordingly, dismissed. Pending applications, if any, also stand disposed of.

47. It is clarified that the observations made herein are confined to the consideration of the material at the stage of framing of charge and shall not prejudice the parties during the course of trial.

48. A copy of this Judgment be sent to the learned trial court for necessary information and compliance.



2026:DHC:6741



49. The judgment be uploaded on the website *forthwith*.

**MADHU JAIN
(JUDGE)**

AUGUST 17, 2026/sd