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

% ***Date of Decision: 06.11.2026***

\# **CNR No. DLHC010543792026**

\+ **CRL.M.C. 8434/2026, Crl.M. A. Nos.35335/2026, 35336/2026**

RINA PATWA .....Petitioner

Through: Mr. Nishant Kumar Tyagi, Adv. (through v/c)

versus

STATE (NCT OF DELHI) AND ANR .....Respondents

Through: Mr. Amit Ahlawat, APP for the State. SI Aditi, PS Shakarpur

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (*Oral*.)

1. The petitioner has filed this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') seeking quashing of order dated 14.08.2025 ("impugned order"), passed by Ld. Judicial Magistrate First Class-05 (East), Karkardooma Courts, Delhi ("JMFC") in CT Cases No.2483/2020, titled as '*Ravi Kumar Sharma vs. Rina Patwa & Ors.*' to the extent it summons her for the offence under Section 323 of the Indian Penal Code, 1860 ("IPC").

2. The petitioner and the respondent no.2 got married on 07.12.2019.

3. On 27.06.2020, the respondent no.2 filed a complaint against the petitioner, her father and his sister alleging amongst other things that the petitioner beat him, slapped him, and demanded money from him in lieu of agreeing to a divorce.

4. It is stated that he was treated at Ram Manohar Lohia Hospital on

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26.04.2020 after the last incident of alleged physical violence.

5. In the pre-summoning evidence, the respondent no.2 examined himself on oath as CW1. A police official who proved the DD entry was examined as CW2, and the hospital record clerk who proved the MLC dated 26.04.2020, and the treatment record was examined as CW3.

6. By the impugned order, the JMFC declined process against the father and sister of the petitioner for all offences and declined process against the petitioner for every offence, other than Section 323 IPC.

7. The petition has been filed about 14 months after the passing of the impugned order.

8. At the stage of issuing process, the Magistrate is required to see whether the allegations with the pre-summoning evidence *prima facie* disclose the offence. The Magistrate is not expected to carry out an intricate evidentiary exercise. Reliance in this regard may be placed upon ***Pepsi Foods Ltd. v. Judicial Magistrate***, (1998) 5 SCC 749, which has also been relied on in the impugned order, wherein the Supreme Court observed as under:

> *" 28. Summoning of an accused in a criminal case is a serious matter. Criminal law cannot be set into motion as a matter of course. It is not that the complainant has to bring only two witnesses to support his allegations in the complaint to have the criminal law set into motion.* ***The order of the Magistrate summoning the accused must reflect that he has applied his mind to the facts of the case and the law applicable thereto. He has to examine the nature of allegations made in the complaint and the evidence both oral and documentary in support thereof and that would be sufficient for the complainant to succeed in bringing charge home to the accused.*** *It is not that the Magistrate is a silent spectator at the time of recording of preliminary evidence before summoning of the accused. The Magistrate has to carefully scrutinise the evidence brought on record and may even himself put questions to the complainant and his witnesses to elicit answers to find out the truthfulness of the allegations or otherwise and then examine if any offence is prima facie committed by all or any of the accused."*
>
> (emphasis supplied)

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9. The impugned order examines each offence by its ingredients and declines process where the ingredient is missing.

10. The complainant's own testimony of beating on specified dates, along with the MLC and the hospital treatment record, is *prima facie* relevant material for the purpose of Section 323 IPC. As such, the submission that there is nothing on record to make out a case under Section 323 IPC is not borne out. In the circumstances, this Court finds no merit in the present submission.

11. The significant delay in filing the present petition is also unexplained.

12. Considering the totality of facts and circumstances hereinabove, the present petition is dismissed. Pending applications also stand disposed of.

13. All contentions of the petitioner on the merits are left open to be taken before learned JMFC.

SACHIN DATTA, J

NOVEMBER 6, 2026/cl

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