



2026:DHC:9088



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 13.10.2026

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CNR No.DLHC010496852026

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CRL.M.C. 7769/2026CRL.M.A.32373/2026, CRL.M.A.32374/2026

SUDHIR KUMAR CHATURVEDI & ORS.

.....Petitioners

Through: Mr. Ravi Sharma, Mr. Anjani Kumar
Rai, Mr. Praphull Kumar and Mr.
Faizan Shoukat Ali, Advocates.

versus

THE STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Ms. Priyanka Dalal, APP for the State
with Ms. Swati, Advocate.
ASI Rajiv Kumar, PS Burari.

CORAM:**HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (ORAL)**

1. The present petition assails an order dated 18.08.2026 passed by the learned JMFC, Mahila Court-03, Central District, Tis Hazari Courts, Delhi in Criminal Case No.14022/2025. By the said order, the petitioners have been summoned as accused. The petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita ('BNSS'), 2023.
2. The petitioner nos.1 and 2 are the father-in-law and the mother-in-law respectively of the respondent no.2/complainant. The petitioner no.3 is the brother-in-law of the respondent no.2/complainant.
3. The case arises from FIR No.924/2023 dated 23.07.2023 under Sections 498A/406/34 Indian Penal Code (IPC), 1860 registered at P.S.



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Burari, North (Delhi).

4. The respondent no.2/complainant married the son of the petitioner nos.1 and 2 on 23.01.2019. The complaint, which came to be filed on 05.09.2022, attributes the following to the petitioners:
- After the farewell (*vidai*), the father-in-law and the mother-in-law (the petitioner nos.1 and 2 respectively) taunted her for bringing less dowry;
 - The day after the wedding, the mother-in-law took all her jewellery for safe keeping. Despite repeated request, the mother-in-law did not return the jewellery and the same is still in respondent no.2's mother-in-law's possession;
 - The petitioner nos.1 and 2 used to speak ill of her caste and discriminated against her;
 - The petitioner no.3 (*devar*) behaved indecently with her. When she objected, he abused her and said that her mother and brother have not fulfilled his family's demands;
 - The father-in-law (the petitioner no.1) "used to abuse and taunt" her for bringing less dowry and would say that the respondent no.2's mother has "cut our nose (brought shame on us)" in society.
5. The charge-sheet was initially filed only against the husband under Section 498A/406/377/34 IPC. The petitioners were placed in Column No.12 in the charge-sheet.
6. The Investigating Officer (IO) recorded that no evidence was found against the petitioners and that the Court may summon them if it so wishes.
7. The IO also recorded that the respondent no.2/complainant did not produce any bill of stridhan in response to a Notice under Section 91 Cr.P.C.



8. On 18.10.2025, the learned JMFC declined cognizance of offence under Section 377 IPC but took cognizance under Sections 498A/406/34 IPC and summoned the petitioners. The order dated 18.10.2025 reads as under:-

18.10.2025

Present: Sh. Ashish Singh, Ld. APP for the State.
Accused persons yet not summoned.

Matter is listed today for consideration.

) The charge-sheet and other documents have been perused.

Perusal of the charge sheet reveals that Accused no.1 has been charge sheeted for the offence u/s 377 IPC as well besides offence u/s 498A/406/34 IPC.

In "Petitioner" v. The State of NCT of Delhi, CRL. REV.P. 990/2024, CRL.M.A.22619/2024 of the Hon'ble High Court of Delhi, relying upon the judgment of The State(GNCT of Delhi) v. Khan Mohd.@ Guddu, Cri.L.P 201/2021 held that charge under section-377 IPC could not have been framed against the petitioner, who is husband of the complainant as the same is covered under exception 2 to section- 375 of IPC.

In view thereof, cognizance uS 377 IPC is declined qua A1.

) The material on record is sufficient to prima facie make out a case against the accused persons including accused persons in column no. 12, under Section 498A/406/34 IPC.

Thus, cognizance is taken of the offences Section 498A/406/34 IPC mentioned in the charge-sheet against all the accused persons including accused under column no. 12

Issue summons to all accused persons – Mrigank, Sudhir, Neema and

Harshit, returnable for 17.01.2026.

9. The petitioners' revision against that order was dismissed as withdrawn. The learned ASJ noted that the same was barred by limitation.



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The order passed in the revision reads as under:-

22.05.2026

File taken up on an application filed by the revisionist seeking withdrawal.

Present: Sh. J.S. Matta, Ld. Counsel for the revisionist.
Sh. Himanshu Garg, Ld. Addl. PP for the State/R-1.

Ld. Counsel for the revisionist submits that he may be permitted to withdraw the present revision as urgent relief was sought which was not granted by this court.

Statement of Ld. Counsel for the revisionist is recorded.

In so far as the aspect of urgent relief is concerned this court has called for the trial court record and the perusal of the trial court record shows that summons was served upon the revisionist herein on 14.01.2026. The present revision was filed on 28.04.2026 and was thus barred by limitation, this was the exact query put by this court on 02.05.2026 and it is for this reason the matter was adjourned. The revisionist instead of answering the query has now filed the application seeking withdrawn.

The revision petition is accordingly dismissed as withdrawn with cost of Rs. 1000/- to be deposited with DLSA. The receipt be placed before the Ld. Trial Court. Copy of the order be sent to the Ld. Trial court along with TCR.

10. The petitioners thereafter filed CRL.M.C. 4774/2026 against the order dated 18.10.2025. The same was disposed of *vide* order dated 29.07.2026 as follows:-



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**ORDER****29.07.2026**

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1. This hearing has been done through hybrid mode.
2. The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the 'CrPC') read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the 'BNSS'), seeking quashing of the summoning order dated 18.10.2025 passed by the learned JMFC, Mahila Court-03, Central District, Tis Hazari Courts, Delhi, in **FIR No. 924/2023** registered at Police Station Burari, for the offences punishable under Sections 498A, 406 and 34 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC').
3. Learned counsel for the Petitioner submits that except for the husband of the complainant, the other relatives were placed in Column No. 12 of the charge-sheet by the concerned Investigating Officer (IO) as there was no evidence against them. It is submitted that the complainant and her husband shifted to Chandigarh in November, 2019 and established an independent matrimonial household. Despite the IO finding no sufficient or incriminating material against the petitioners and placing them in Column No. 12, the learned JMFC mechanically proceeded to summon them without recording any reasons or disclosing the material justifying such summoning.
4. The Court has perused the order of the learned MM which reads as under:

"...The material on record is sufficient to prima facie make out a case against the accused persons including accused persons in column no. 12, under Section 498A/406/34 IPC.

Thus, cognizance is taken of the offences Section 498A/406/34 IPC mentioned in the charge-sheet against all the accused persons including accused under column no. 12..."



5. It may be mentioned that though the learned JMFC has taken cognizance against the accused persons placed in Column No. 12 and summoned them, no reasons whatsoever have been recorded for disagreeing with the conclusion of the IO or for summoning the said accused persons.

6. In such circumstances, the petition is allowed and the matter is remanded back. The learned JMFC is directed to pass a speaking order indicating the reasons for summoning the accused persons placed in Column No. 12, if the Court proposes to disagree with the opinion of the IO, before taking cognizance against them.

7. Parties to appear before the learned JMFC on 18.08.2026.

8. The petition is disposed of in the above terms. Pending application(s), if any, also stand disposed of.

11. Pursuant to the aforesaid order, the learned JMFC passed the impugned order dated 18.08.2026. The learned JMFC noted the allegations of dowry related taunts, caste based discrimination, abuse, beating and that the jewellery was taken by the mother-in-law for safe custody and not returned. Learned JMFC held that there were specific allegations. The relevant observations in the impugned order are as under:-

“From the perusal of the complaint, statements and material filed along with the chargesheet, it is revealed that there are specific allegations regarding dowry-related taunts, abusive conduct, discriminatory treatment, physical harassment/scuffle and non-return of stridhan articles. It is also alleged that the mother-in-law had taken the jewellery of the complainant on the pretext of keeping in safe custody and that the articles were not returned despite demand. There are also allegations of participation of the in-laws in harassment and cruelty meted out to the complainant in the matrimonial home.”

12. It was also noticed that placement in Column No.12 did not bind the Court. The petitioners were, accordingly, directed to remain physically present on 15.10.2026 for the purpose of bail proceedings/compliance of Section 230 BNSS / 207 Cr.P.C.



13. In the above backdrop, the learned counsel for the petitioners contends that the petitioners lived with the respondent no.2 only briefly. The complaint was made much after. It is submitted that the allegations are vague and omnibus. It is further submitted that the impugned order puts the petitioners at par with the husband without identifying their role. Reliance is placed on the following judgments:

- i. ***Muppidi Lakshmi Narayana Reddy & Ors. v. State of Andhra Pradesh & Anr.***, 2025 SCC OnLine SC 884;
- ii. ***Sushila & Ors. v. State of UP & Ors.***, 2025 SCC OnLine SC 804
- iii. ***Poonam Gandhi v. State (NCT of Delhi) & Ors.***, 2025 SCC OnLine Del 4662;
- iv. ***Kahkashan Kausar @ Sonam & Ors. v. State of Bihar & Ors.***, (2022) 6 SCC 599;
- v. ***Digambar & Anr. V. State of Maharashtra & Anr.***, 2024 SCC OnLine SC 3836; and
- vi. ***Dara Lakshmi Narayana & Ors. v. State of Telangana & Anr.***, (2025) 3 SCC 735.

ANALYSIS

14. This Court is not persuaded by the submissions made by the learned counsel for the petitioners. The impugned order is not a mere repetition of the earlier order. It is a speaking order passed in compliance with the order dated 29.07.2026 passed by this Court in CRL.M.C. 4774/2026.

15. It records why the learned JMFC disagreed with the IO and also rightly records that the Magistrate is not bound by the opinion of the IO in Column No.12. At the stage of issuing process, the Magistrate has to only see whether there is sufficient ground to proceed. Whether the material will



result in conviction is not to be examined at this stage.

16. The petitioners rely on the principle that general and omnibus allegations against the husband's relatives without any specific role do not justify their prosecution. That principle is well settled and cannot be disputed. However, it does not apply in the facts of the present case.

17. In the present case, each petitioner is assigned a specific role, as noted hereinabove. The mother-in-law is stated to have taken all the jewellery of Respondent no. 2 on the day after the wedding and has allegedly retained it till date that is the specific allegation which is the core of the offence under Section 406 IPC. The father-in-law is stated to have abused her and taunted her for insufficient dowry. The brother-in-law (*devar*) is said to have behaved indecently with her and to have abused her with reference to unfulfilled demands. These allegations cannot be described as 'omnibus' or 'vague'. The remaining pleas are a matter of defence. The submissions of the petitioners regarding short period of joint residence with respondent no.2, the separate residence from November, 2019, the delay in filing of the complaint and the absence of bills with regard to the stridhan of respondent no. 2, all require evaluation of evidence. The same cannot be adjudicated in these proceedings at this stage.

18. The petition is therefore, dismissed. Pending applications also stand disposed of.

19. The petitioners would be at liberty to raise all their pleas at the stage of consideration of charge, in accordance with law. The trial Court shall consider the pleas raised by them without being influenced by this Order.

OCTOBER 13, 2026/r

SACHIN DATTA, J