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

% **Date of Decision: 29th April, 2026**

+ **CRL.M.C. 1810/2026 & CRL.M.A. 7434/2026**

RANI

.....Petitioner

Through: **Mr. Amol Acharya, Advocate with
petitioner in person.**

versus

DINESH KUMAR AND ORS.

.....Respondents

Through: **Mr. Raj Kumar, APP for the State with
SI Pankaj Kumar, PS Bhajan Pura.
Mr. Pavitra Veer Singh, Advocate for
respondent Nos.1, 2 and 3 (through
V.C.)**

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. When the present petition was taken up by this Court on 12.03.2026, the following facts, germane to the present petition, were captured. These are as under:-

“1. On the basis of one complaint made by the petitioner herein, FIR No.416/2011 dated 17.09.2011, was registered at P.S. Shajan Pura, for commission of offences under Sections 498A/406/34 IPC and Section 4 of Dowry Prohibition Act, 1961 (DP Act).

2. The charges were framed by the learned Trial Court for all the abovesaid penal sections, including the one under the DP Act.

3. Learned Trial Court vide its judgment dated 20.01.2024 ordered acquittal of all accused persons of all the offences.

4. The petitioner herein i.e. the concerned complainant, feeling aggrieved by the abovesaid acquittal, filed an appeal which was registered as Criminal Appeal No.48/2024 and the learned First Appellate Court, on the basis of submissions made by the prosecution, noted that though the charge under Section 4 of DP Act was also framed, the judgment was silent on decision on the abovesaid charge



and it made a request to remand back the case to the learned Trial Court and to pass an order/judgment qua charge under Section 4 of DP Act.

5. Keeping in mind the abovesaid submission coming from the side of the prosecution and taking note of the powers of the learned Appellate Court as envisaged under Section 386 Code of Criminal Procedure, 1973 (Cr.P.C), the learned First Appellate Court has, merely, remanded the case with direction to the learned Trial Court to pass a speaking order in context of charge under Section 4 of DP Act.

6. As already noticed above, the order passed by the learned Trial Court was amply clear as in para No.50 of the said judgment, it clearly observed that all the accused were acquitted of the “crimes charged”.

7. The dilemma in the mind of the petitioner is very short and precise.

8. She feels that while remanding the matter, the learned First Appellate Court has also, by implication, affirmed the findings of acquittal for offences under Sections 498A/406/34 IPC.

9. It is in the abovesaid factual backdrop, that the present petition has been filed so the position is amply clarified.”

2. Learned counsel for respondent Nos.1 to 3 has joined the proceeding through *video-conferencing*.

3. Learned Addl. P.P. for the State has appeared for respondent No.4/State.

4. A bare reading of order dated 22.09.2025 would indicate that judgment of the learned Trial Court has not been set aside and the learned First Appellate Court has, merely, remanded the matter for a limited purpose as it was of the view that there was no observation with respect to the charge framed under Section 4 of *Dowry Prohibition Act, 1961*.

5. The complainant has apprehension that since the matter has been remanded by the learned First Appellate Court, by implication, the findings with respect to Section 498A and 406 IPC have been affirmed by the learned



First Appellate Court. Her such apprehension is completely misplaced and unfounded as there is no discussion with respect to the merits of the case and the learned First Appellate Court has simply remanded the matter, without giving any observation, either way. For all purposes, the abovesaid appeal continues to be alive as the remand is only with respect to a very limited purpose i.e. to give a finding in relation to charge under Section 4 of *Dowry Prohibition Act, 1961*.

6. Though there was no real requirement on the part of the First Appellate Court to have remanded the matter in the manner it has been done, fact remains that, in view of the abovesaid clarification and observation, learned counsel for the petitioner does not press for any further relief in the matter.

7. The petition is, accordingly, disposed of.

8. A copy of this order be also sent to learned Trial Court as well as learned First Appellate Court for information.

9. Pending application also stands disposed of.

(MANOJ JAIN)
JUDGE

APRIL 29, 2026
st/pb