



2026:DHC:8452



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

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Date of decision: 25th September, 2026# **CNR No. DLHC010461272026**+ **CRL.M.C. 7204/2026 & CRL.M.A. 30084/2026, CRL.M.A. 30085/2026****PANKAJ KUMAR & ANR.**

.....Petitioners

Through: **Dr. Manish Tanwar, Mr. Abhinav Sharma, Ms. Tejsashvi Goel and Ms. Chintu Jain, Advocates.**

versus

STATE THROUGH SHO & ANR.

.....Respondents

Through: **Ms. Kiran Bairwa, APP for State.
SI Karishma, PS Dwarka.
SI Shiksha, PS Dwarka South.****CORAM:****HON'BLE MR. JUSTICE AMIT BANSAL****AMIT BANSAL, J. (Oral)****CRL.M.A. 30085/2026 (exemption)**

1. Allowed, subject to all just exceptions.

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2. The present petition has been filed seeking setting aside of the order dated 22nd January, 2026 passed by the Additional Sessions Judge-03, South West, Dwarka Courts, New Delhi in Criminal Revision No.2182/2024 to the extent that charge under Section 498A of the Indian Penal Code, 1860 ("IPC") has been upheld against the petitioners.

3. The brief facts necessary for deciding the present petition are as follows:

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3.1. Proceedings arise out of FIR No.85/2020 registered by the wife of the petitioner no.1 at P.S. Sector-23 Dwarka under Sections 498A/406/34 IPC against three accused persons, *i.e.* her husband (petitioner no.1), mother-in-law (petitioner no.2) and sister-in-law (Komal).

3.2. The Trial Court, *vide* order dated 5th August, 2024, framed charges under Sections 498A/379/34 IPC against the three accused persons and discharged them under Sections 406/34 IPC.

3.3. The petitioners, along with co-accused Komal, thereafter preferred Criminal Revision No.2182/2024 before the Sessions Court. *Vide* order dated 22nd January, 2026, the Revisional Court set aside the charge under Section 498A IPC against co-accused Komal and upheld the same against the present petitioners. The charge under Section 379 IPC against all the revisionists was set aside.

4. Aggrieved by the aforesaid, the present petition has been filed.

5. The order of the Revisional Court has clearly recorded the allegations against the petitioners. Paragraphs 14, 16 and 17 of the impugned order are set out below:



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14. It is alleged that one day accused No. 1 and 2 asked the complainant to demand a sum of Rs. 20,00,000/- from her father in order to marry accused No.3. On her refusal to do so, she was mercilessly beaten and was rebuked by accused No. 1, 2 and 3. In so far as this allegation is concerned, it is clear that it was only accused No. 1 and 2 i.e. husband and mother-in-law, who had demanded Rs. 20,00,000/- from complainant and on her refusal to bring the same, she was harassed. Though the name of accused No. 3 i.e. sister-in-law is also mentioned, however, she has not been alleged to have demanded said Rs. 20,00,000/- from complainant and, therefore, this allegation, though sufficient to invoke Section 498A IPC against accused No. 1 and 2, however, is insufficient to bring home the charge under Section 498A IPC against accused No. 3.

16. The next allegation is that in the last week of February 2015, accused No. 1 and 2 asked the complainant to arrange Rs. 1,50,000/- from her father so that accused No. 1 could get the job and when she showed her inability, accused No. 2 asked her to give Rs. 1,40,000/- which was received by her at the time of her marriage. Despite taking Rs. 40,000/- which was kept in the joint account of complainant and accused No.1, she was taunted, insulted and beaten by accused No.1, 2 and 3. Again, the allegations of demand is only against accused No. 1 and 2 and not against accused No. 3.

17. It is alleged that complainant was not being given proper food and rest during pregnancy. The complainant has further levelled allegations in respect of accused No. 1 having extra marital affair and when she confronted him about it, she was beaten. This allegation does not come within the purview of Section 498A IPC.

6. Counsel appearing on behalf of the petitioner submits that there is no basis for the said allegations. No evidence or details have been produced, nor has the Medico-Legal Certificate ('MLC') been produced. He further



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submits that it is clearly noted that the incident happened in the last week of February, 2015, whereas the FIR was registered only in 2020. Reliance is placed on *Sanjeev Kumar Aggarwal and Ors. v. State and Anr.* 2007 SCC Online Del 2044.

7. I have heard counsel for the parties.

8. At the stage of framing of charges, the Court is required to examine whether the material on record raises a *prima facie* case or grave suspicion against the accused and is not required to conduct a meticulous appreciation of evidence or a mini trial.

9. Reference may be made to the judgment of the Supreme Court in *State of Rajasthan v. Ashok Kumar Kashyap*, (2021) 11 SCC 191, the relevant extracts of which are set out below:

“15. As observed hereinabove, the High Court was required to consider whether a prima facie case has been made out or not and whether the accused is required to be further tried or not. At the stage of framing of the charge and/or considering the discharge application, the mini trial is not permissible. At this stage, it is to be noted that even as per Section 7 of the PC Act, even an attempt constitutes an offence. Therefore, the High Court has erred and/or exceeded in virtually holding a mini trial at the stage of discharge application.

16. We are not further entering into the merits of the case and/or merits of the transcript as the same is required to be considered at the time of trial. Defence on merits is not to be considered at the stage of framing of the charge and/or at the stage of discharge application.”

[Emphasis supplied.]

10. The absence of any document or MLC, as submitted on behalf of the petitioners, by itself, cannot be a ground for discharge at the stage of framing of charge. While upholding the charge under Section 498A IPC against the present petitioners, the Revisional Court has specifically set aside



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the charge against co-accused Komal after finding that the allegations were insufficient to attribute the offence to her. The impugned order, therefore, reflects an application of mind to the individual allegations against the accused persons.

11. The reliance placed on **Sanjeev Kumar** (supra) is misplaced. In the said judgment, this Court examined whether the allegations in the complaint disclosed the ingredients of Section 498A IPC and held, *inter alia*, that every harassment would not constitute cruelty within the meaning of Explanation (b) to Section 498A IPC. The harassment must have the requisite nexus with the unlawful demand. The Court further observed that where the cruelty is not connected with the demand, the same would not fall within Explanation (b) to Section 498A IPC. The facts of the present case are materially distinguishable. In the present case, the allegations are not confined to general or omnibus allegations of harassment. There are specific allegations of demands of Rs.20,00,000/- and thereafter Rs.1,50,000/-/Rs.1,40,000/- against the present petitioners, coupled with allegations of beating, taunting and insulting the complainant upon her failure to meet the said demands. Thus, at this stage, the allegations themselves disclose the requisite nexus between the alleged harassment and the unlawful demands.

12. Further, it is to be noted that a second revision cannot be filed by the petitioners before the High Court in terms of Section 397(3) of the Cr.P.C. The statutory bar of Section 397(3) of the Cr.P.C. cannot be overcome by invoking the jurisdiction of this Court for exercise of its inherent powers under Section 482 of the Cr.P.C. Reference in this regard may be made to the judgment passed by the Supreme Court in **Rajan Kumar Manchanda v. State of Karnataka**, 1990 SCC 132.



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13. In any event, when two competent courts below have given findings after application of judicial mind, the scope of interference by this Court to exercise inherent powers under Section 482 of the Cr.P.C. is limited. The petitioner has the burden to prove that the findings of the two competent courts below are contrary to law and suffer from infirmity.

14. In view of the above, no grounds for interference with the impugned order are made out.

15. Accordingly, the petition is dismissed.

AMIT BANSAL, J

SEPTEMBER 25, 2026

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