



2025:DHC:7173



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

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Date of decision: 21st August, 2025

+ **CRL.M.C. 5772/2025, CRL.M.A. 24716/2025 & CRL.M.A. 24717/2025**

PARDEEP KUMAR
S/O JAI PRAKASH
R/O H. NO. 63, VILLAGE MUKHMELPUR
DELHI-110036

.....Petitioner

Through: Ms. Sakshi Sachdeva, Advocate

versus

THE STATE OF NCT OF DELHI
(GOVT. OF NCT OF DELHI)
THROUGH SHO
PSALIPUR

.....Respondent

Through: Mr. Utkarsh, APP for the State with
SI Sandeep, P.S. Alipur

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. Petition under Section 482 of the Code of Criminal Procedure (*hereinafter referred to as "Cr.P.C."*) has been filed on behalf of the Petitioner/Accused, Pardeep Kumar to challenge the Order dated 04.08.2025 of Ld. ASJ *vide* which the Application under 319 Cr.P.C. filed by the Applicant/Petitioner for summoning of suspects Ranbir Khatri, Suman, Sahab Singh, and Balwan Singh, has been dismissed.



2. *Briefly stated*, the case of the Prosecution is that on 14.06.2014, the Complainant **Ravinder/Amardeep** had made a complaint that his *Naani* Indravati, aged 75 years and his *Mausi* Geeta, aged 40 years had left their home on 13.06.2016 without any information and have not come back since then.

3. On investigation, through call CDRs, the witness Aryan, son of Geeta, was traced who stated that on 13.06.2016 while he was present at his house, his mother Geeta had told him that that Pardeep had called his mother i.e. Indravati to BDO Block, Alipur and that they went there. Pardeep had asked Indravati to pay sum of Rs.20,000/- for growing the agricultural yield on their land and that when she refused, some argument took place between them.

4. Further investigations done through CDR call records and Pardeep was arrested on 07.07.2016. His disclosure statement was recorded wherein he stated that Indravati had sought Rs.20,000/- from him for growing the agricultural produce on her land but he had refused. At the instance of her daughter Geeta, Indravati refused to give him the land for growing the crops. On the next day, he went and met Sudesh, wife of Pardeep (daughter-in-law of Indravati) and told her that Indravati has refused to give him the land for growing his crops.

5. He further stated that he was aware that daughter-in-law Sudesh had differences with Indravati and Geeta. He told her that Indravati and Geeta intend to get her killed. On this, she told the accused Pardeep to kill the two ladies for which she would give him Rs.50 lacs. He, Sudesh, and one Tantrik Ikramuddin Khan entered into the conspiracy and he along with Tantrik Ikramuddin Khan went to the house of Indravati and told her that Tantrik



Ikramuddin Khan would help her to bring Sudesh her daughter-in-law in her control for which Rs.1 lakh would be required. Geeta and Indravati agreed and he lured them to accompany him on 12.06.2016 at their house. They agreed to come to the BDO block, Alipur on the next day and assured him that they would give Rs.1 lakh. He admitted having murdered the two ladies and that he buried them in a pit, which he had already got dug.

6. The co-accused Tantrik Ikramuddin Khan also made a similar disclosure statement. They led the Police to the recovery of the dead body of the two ladies from the pit. Consequently, Applicant Sudesh was arrested on 08.07.2016, who also in her disclosure statement admitted her guilt. The *Post-Mortem Report* of the two ladies opined the cause of death as *Asphyxia secondary to constriction of neck structures with a ligature mark*. On completion of investigation, Chargesheet was filed against both the accused person including the co-accused.

7. The Petitioner after the entire evidence was concluded and the case was that the stage of final arguments, moved an Application under Section 319 Cr.P.C. before the Ld. ASJ, which was dismissed *vide* Order dated 06.03.2018 by observing that there was no evidence whatsoever to show that the proposed Accused persons were involved in the commission of crime and there was no likelihood of their conviction on the basis of evidence available on the record, even if the same was accepted as true.

8. This Order was challenged *vide* Criminal Revision Petition No. 230/2018 before this Court but the said Impugned Order dated 06.03.2018 was set aside with the observations that at the stage of hearing final arguments, the Trial Court would be free to consider the entire issue and ascertain whether any case is made out to summon any person other than the



Accused. Needless to state that if it appears to the Trial Court from the evidence on record that any person other than the Petitioner has committed, the offense the Trial Court would be at liberty to proceed in accordance with law.

9. Thereafter, another Application under Section 319 Cr.P.C. dated 09.03.2018 was filed by Accused for summoning of the four suspects, namely, Ranbir Khatri, Suman, Sahab Singh, and Balwan Singh, *which has been dismissed by the learned ASJ vide Order dated 04.08.2025.*

10. The Impugned Order dated 04.08.2025 has been challenged on the **grounds** that the Ld. Sessions Judge has failed to consider the evidence of the defence witnesses i.e. *DW1* HC Manoj Kumar, *DW2* HC Vinay Kumar, *DW4* HC Ram Kumar, who have proved the various Complaints and the FIR that had been registered against the proposed Accused persons.

11. *NCR No. 88/2017* dated 07.07.2017 under Section 506 IPC at P.S. Prashant Vihar, was made by Pardeep against Ranbir Khatri alleging that he had threatened to kill the Petitioner/Accused herein. Furthermore, *DW4* HC Ram Kumar had proved the record of *FIR No. 0328/2015 dated 21.06.2015 under Section 302 Indian Penal Code, 1860* wherein Pardeep Rana, brother of deceased Geeta and son of deceased Indravati, was murdered and the suspects were Ranbir Khatri, Suman and other persons. The FIR clearly established the designed plan of Suman and Ranbir Khatri to kidnap and eliminate Pardeep Rana, for grabbing the agricultural land worth Rs.10 crores.

12. It is further contended that Ld. Sessions Court has failed to consider that both the suspects Ranbir Khatri and Suman, stood to gain directly from the mother of Indravati and Geeta, as Suman was the wife of Pardeep Rana



son of deceased Indravati and was in live-in relationship. **Both the suspects had a strong motive to eliminate both the deceased.** Moreover, suspect Suman had left her husband Pardeep Rana on the second day after their marriage because of her illicit relationship.

13. The testimony of DW7, who has proved DD No. 41-B dated 01.10.2015 P.S. Alipur, registered by Indravati alleging threat to her life from Ranbir Khatri as well as Suman, was recorded. Similarly, there were various DD entries recorded in 2015 and 2016. Likewise, the *Complaint Case No. 534/01 under Section 200 Cr.P.C.* was filed by deceased Geeta alleging threat to her life from the above suspects, has not been considered. The testimony of DW10 Ravinder Kumar who deposed that both deceased had lodged ***FIR No. 906/2014*** under Sections 354/323/34 IPC and suspected Balwan Singh and others, has also not been *considered despite a strong motive to eliminate both Geeta and Indravati is made out.*

14. The testimony of PW15 Amit, who collaborated in his cross-examination that Ranbir Khatri had threatened to kill the two ladies, has been overlooked. Similar is the testimony of PW14 Ravinder, PW15 Amit, PW20 Sheela and PW30 Amardeep, who have stated in their cross-examinations that Ranbir Khatri was in illicit relationship with co-accused Suman.

15. It is contended that various Complaints alleging threat from the four suspects, was made by the two deceased from time to time. These Complaints may be treated as dying declaration in terms of Section 28 Bharatiya Sakshya Adhinyam, 2023 which is sufficient evidence to proceed against the suspects.



16. The pendency of various cases between the deceased and the suspects has been overlooked. Ranbir Khatri in fact, is the prime Accused but has been made only a witness to identification of the dead body of the deceased persons. Geeta and Ranbir Khatri who were husband and wife, were separated for 14 years, despite which Ranbir Khatri was called to identify their dead bodies. The entire case is based on circumstantial evidence, but the circumstances pointing towards the involvement of the suspects, has been ignored.

17. It is, therefore, submitted that the Impugned Order dated 04.08.2025 of the Ld. ASJ dismissing the Application under Section 319 Cr.P.C., be set aside and the four suspects be summoned as the co-accused.

18. *Learned Prosecutor on advance notice has submitted* that the reasoned order has been passed by Ld. ASJ and there is no ground to interfere with impugned Order.

Submission heard and record perused.

19. S.319 Cr.P.C. is a special provision which enables the Court to summon any person as accused, against whom sufficient evidence has emerged during the Trial. However, a word of caution was given in the case of Kailash vs. State of Rajasthan 2008 (2) RCR (Criminal) 200 that the discretion under Section 319 Cr.P.C. *has to be exercised sparingly and with caution, when the Court is satisfied that some offense has been committed by such person.*

20. Before considering the merits, it may be observed that similar Application under S.319 Cr.P.C. was filed at the stage of final arguments, which was dismissed *vide* Order dated 06.03.2018 by observing that if at the stage of Final Arguments, the Court finds enough material then the proposed



accused may be summoned. Instead of addressing Final Arguments during which they could show a strong case against the suspects, another Application under S.319 was filed with similar contentions. Once these contentions were already considered and the Application was dismissed, the Petitioners instead of addressing final arguments to make good their contentions, have chosen to make similar Application again, which should have been dismissed at the outset, itself.

21. Be as it may, the merits of the Order may be now considered.

22. The Ld. ASJ had considered the testimony of all the Defense Witnesses as well as the Prosecution Witnesses to whom the reference had been made by the Petitioner and had observed that the evidence relied upon by the Petitioner could be categorized into *two categories*, the **first** being the record relating to previous criminal proceedings against the suspects as well as the Complaints made by both the deceased, which has been proved by the various police witnesses and Court staff. It was held that mere pendency of criminal cases against the suspects or the Complaints made by the deceased, do not fall in the category of additional incriminating evidence against the suspects in relation to the murder of the two ladies.

23. The *second type of evidence* relied upon by the Petitioner was the statement of the Prosecution Witnesses who in their cross-examination admitted previous enmity between the suspects and the deceased persons. However, that too would not make even *prima facie* evidence for summoning of the suspects under Section 319 Cr.P.C.

24. In *Popular Muthiah vs. State Represented by Inspector of Police* (2006) 8 SCC 296, the Apex Court had noticed that the power of Sessions Judge to summon a person to stand trial in exercise of jurisdiction under



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Section 319 Cr.P.C. is only limited in as much as from the evidence of witnesses, *it must be clearly found that they had a role to play in the commission of the offense.*

25. In *Yuvaraj Amber Mohite vs. State of Maharashtra* (2006) 10 SCALE 369, it was observed that if the proposed Accused cannot be convicted on the basis of evidence brought on record even if it is admitted to be correct in its entirety, then there is no basis for summoning the suspect under Section 319 Cr.P.C.

26. It has been rightly observed by Ld. ASJ that all the previous complaints and FIRs that were registered between the suspects and the deceased would at best even if admitted as such, may make out some motive but beyond motive, there is not a iota of evidence to suggest that there was any cogent evidence to connect the suspects with the commission of the offense. Motive *per se* may be a relevant fact, but in itself cannot be the sole ground for summoning of the suspects. The Application has been rightly dismissed by the Ld. ASJ.

27. There is no merit in the present Petition, which is hereby dismissed. Pending Applications also stands disposed of.

**(NEENA BANSAL KRISHNA)
JUDGE**

AUGUST 21, 2025

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