



2024:DHC:8475



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

Date of decision: 29th OCTOBER, 2024

IN THE MATTER OF:

+ **CRL.M.C. 7050/2024 & CRL.M.A. 26918/2024**

MRS NEHA CHAUDHARY

.....Petitioner

Through: Mr. Ram Anugrah Singh, Mr. Vivek Singh Somvanshi and Mr. Kishlaya Shukla, Advocates.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Aman Usman, APP for the State.
SI Chitra, PS South Rohini

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

JUDGMENT

1. The Petitioner has approached this Court for quashing FIR No.224/2022 dated 12.04.2022 registered at Police Station South Rohini for offences under Section 498A, 406 & 34 IPC.
2. The instant FIR has been registered on the complaint given by Respondent No.2 herein. It is stated that Respondent No.2 approached the Crime Against Women Cell on 12.11.2021 making various allegations against her husband, mother-in-law and her sister-in-law. The sister-in-law of the Complainant/Respondent No.2 is the Petitioner in this case.
3. The complaint has been filed by the Complainant/Respondent No.2 whose marriage was solemnized with Respondent No.3 on 21.01.2015. It is stated that there is one girl child out of the said wedlock, namely, Shreya Singh, who is aged about 8 years. Respondent No.4 is the mother-in-law of



the Complainant.

4. The Complainant in her complaint states that she is aggrieved by continued acts of mental torture, cruelty on the part of the accused person, i.e., the Petitioner, Respondent No.3 and Respondent No.4 herein.

5. Several allegations of harassment have been made by the Complainant against all the accused persons. Since the mediation proceedings between the parties failed, the instant FIR has been lodged on the basis of the complaint given by the Complainant before the Crime Against Women Cell.

6. Investigation has been conducted and chargesheet has been filed for offences under Section 498A, 406, 506, 377 & 34 IPC read with Section 4 of the Dowry Prohibition Act against the husband, mother-in-law and the Petitioner herein, who is the sister-in-law of the Complainant.

7. It is the case of the Petitioner that she is the sister-in-law of the Complainant/Respondent No.2 who resides with her husband in Faridabad and used to visit Delhi, which is the matrimonial home of Respondent No.2/Complainant only on rare occasions.

8. It is stated that the FIR is completely baseless and false and the entire family is being implicated. It is stated that the FIR/chargesheet does not disclose the commission of any offence by the Petitioner and the allegations are vague and omnibus in nature and if they are taken on face value, they *prima facie* do not constitute an offence. It is further stated that the allegation has been very perfunctory and chargesheet has been filed without any material against the Petitioner. It is stated that there is no specific allegation against the Petitioner herein.

9. Learned Counsel for the Petitioner reiterates all the contentions raised



in the petition. He contends that the allegations are false and baseless. He contends that no allegation has been made against the Petitioner, who is the sister-in-law of the Complainant. He states that the entire family has been roped in without there being any material.

10. Learned Counsel for the Petitioner places reliance on several judgments to contend that relatives of the husband should not be roped in on the basis of omnibus statements unless specific averments regarding the crime are made out. He further states that the FIR has been filed to wreak vengeance on the entire family of the husband.

11. Learned APP for the State vehemently opposes the present petition stating that there are serious allegations against the Petitioner.

12. Heard learned Counsel for the parties and perused the material on record.

13. A perusal of the FIR shows that there are specific allegations against the Petitioner herein regarding the harassment by her. The marriage of the Complainant took place on in the year 2015 and the FIR has been filed only in the year 2022. It is well settled that the FIR is not an *encyclopedia* and it cannot be said that after six years of the marriage, the Complainant would be able to give a precise time and date on the allegation which has been made.

14. This Court can take judicial notice of the fact that generally endeavour of any lady in a matrimonial relationship is to ensure that the marriage does not break. The fact that there are no allegations regarding the earlier part of the marriage does not mean that the allegations made by the Complainant are vague and that FIR must be quashed only on the ground that precise datelines have not been given in the FIR.

15. A reading of the FIR and the material on record shows that there are



specific allegations in the complaint given to the Crime Against Women Cell on 12.11.2021, which reads as under:-

“46. That on 27.08.2021 upon reaching her matrimonial home, firstly, the Complainant was not allowed to enter her home and made to wait for hours before she was allowed entry. Further, the Accused persons started scolding her for coming without informing in advance and more so when the Accused persons didn't go to take her.

47. That the Accused No. 2 and Accused No. 3 later that night caught hold of the Complainant when she was in kitchen preparing dinner and pushed her face towards the gas burner and threatened her to say "Aaj Jala denge tujhe tab maja aayega". The Complainant with great difficulty managed to escape from the clutches of the said Accused persons and rushed towards her husband, Accused No. 1 for help. However, the Accused No.1 scolded and threatened in the same voice to say that "Bina Bulaye or bina btaye ayegi toh yahi haal karenge". Thereafter the Complainant since petrified locked herself up in the room and the Accused persons continued banging the door from outside and kept threatening her to say. "Bahar nika/ warna andar hi jala denge tujhe aur sara kaam aaj hi khatam kardenge".

48. That on 28.08.2021, The Accused No.3 against manhandled and pushed the Complainant and threatened her to say "Ab ki baar tujhe niptane aayi hu aur nipta ke hi jaungi". Because of this ordeal, the Complainant called her mother and narrated the entire episode and her mother assured that they would come tomorrow to talk with the Accused persons. ”

16. Further, it is stated that on 29.08.2021, which is just about three



months prior to the complaint given in the CAW Cell, all the three accused persons including the sister-in-law went to the house of the Complainant and started abusing them and there are allegations that the Petitioner herein pushed and slapped the Complainant in front of the gathering and instead of stopping the Petitioner, people blamed the Complainant for picking up a fight and the Complainant was forced to apologize.

17. There are specific allegations and specific datelines given by the Complainant which are just before the filing of the complaint. It is well settled that Courts do not interfere with investigation and if the FIR makes out an offence, then Courts must be very slow to quash the FIR.

18. In Satinder Kaur v. NCT of Delhi, (1999) 8 SCC 728, this Court has observed as under:-

“14. Further, the legal position is well settled that if an offence is disclosed the court will not normally interfere with an investigation into the case and will permit investigation into the offence alleged to be completed. If the FIR, prima facie, discloses the commission of an offence, the court does not normally stop the investigation, for, to do so would be to trench upon the lawful power of the police to investigate into cognizable offences. [State of W.B. v. Swapan Kumar Guha, (1982) 1 SCC 561 : 1982 SCC (Cri) 283] It is also settled by a long course of decisions of this Court that for the purpose of exercising its power under Section 482 CrPC to quash an FIR or a complaint, the High Court would have to proceed entirely on the basis of the allegations made in the complaint or the documents accompanying the same per se; it has no jurisdiction to examine the correctness or otherwise of the allegations. [Pratibha Rani v. Suraj Kumar, (1985) 2 SCC 370, 395 : 1985 SCC (Cri) 180]”



19. In Superintendent of Police, CBI & Ors. v. Tapan Kumar Singh, (2003) 6 SCC 175, the Apex Court has observed as under:-

“20. It is well settled that a first information report is not an encyclopaedia, which must disclose all facts and details relating to the offence reported. An informant may lodge a report about the commission of an offence though he may not know the name of the victim or his assailant. He may not even know how the occurrence took place. A first informant need not necessarily be an eyewitness so as to be able to disclose in great detail all aspects of the offence committed. What is of significance is that the information given must disclose the commission of a cognizable offence and the information so lodged must provide a basis for the police officer to suspect the commission of a cognizable offence. At this stage it is enough if the police officer on the basis of the information given suspects the commission of a cognizable offence, and not that he must be convinced or satisfied that a cognizable offence has been committed. If he has reasons to suspect, on the basis of information received, that a cognizable offence may have been committed, he is bound to record the information and conduct an investigation. At this stage it is also not necessary for him to satisfy himself about the truthfulness of the information. It is only after a complete investigation that he may be able to report on the truthfulness or otherwise of the information. Similarly, even if the information does not furnish all the details he must find out those details in the course of investigation and collect all the necessary evidence. The information given disclosing the commission of a cognizable offence only sets in motion the investigative machinery, with a view to collect all necessary evidence, and thereafter to take action in accordance with law. The true test is whether the information



furnished provides a reason to suspect the commission of an offence, which the police officer concerned is empowered under Section 156 of the Code to investigate. If it does, he has no option but to record the information and proceed to investigate the case either himself or depute any other competent officer to conduct the investigation. The question as to whether the report is true, whether it discloses full details regarding the manner of occurrence, whether the accused is named, and whether there is sufficient evidence to support the allegations are all matters which are alien to the consideration of the question whether the report discloses the commission of a cognizable offence. Even if the information does not give full details regarding these matters, the investigating officer is not absolved of his duty to investigate the case and discover the true facts, if he can.”

20. In the present case, chargesheet has been filed. There are statements of the Complainant under Section 164 CrPC. This Court is therefore not inclined to quash the FIR.

21. Since cognisance has been taken and arguments are yet to be advanced on charges, this Court is not inclined to comment further on the merits of the case. It is open for the Petitioner to raise all such arguments based on the material before the concerned court at the time of framing of charges. This Court does not intend to interfere with the order taking cognisance, chargesheet and quash the FIR at this juncture.

22. The observations made by this Court are only limited to the issues which arise in the present case. The learned Trial Court is directed to examine the case independently and take a decision in the matter considering all the arguments which will be advanced by the Petitioner at



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the time of framing of charges and decide on the basis of the material before it as to whether charges can be framed against the Petitioner or not.

23. With these observations, the petition is disposed of along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

OCTOBER 29, 2024

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