

# Ritu Vasudeva And Anr vs State Of Nct Of Delhi And Anr on 8 November, 2021

**Author: Chandra Dhari Singh**

**Bench: Chandra Dhari Singh**

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IN THE HIGH COURT OF DELHI AT NEW DELHI  
CRL.M.C. 2748/2021 & CRL.M.A. 17462/2021  
RITU VASUDEVA AND ANR

Through: Mr. Saket Sikhri, Mr.  
and Mr. Shikhar Garg

versus

STATE OF NCT OF DELHI AND ANR ..... Respon  
Through: Ms. Meenkashi Dahiya, APP for

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH  
ORDER

% 08.11.2021 CRL.M.A. 17463/2021 Exemption allowed subject to just exceptions.

The application stands disposed of.

1. The instant petition has been filed under Section 482 of Cr.P.C, 1973 for quashing of FIR No.0494/19 dated 11.11.2019, and chargesheet dated 24.11.2020 filed on the basis of the above FIR and summoning order dated 18.03.2021 passed by Hon'ble Metropolitan Magistrate, Mahila Court-03, West, Tis Hazari Courts, Delhi.

2. Issue notice. Notice accepted by Ms. Meenakshi Dahiya, APP on behalf of State.

3. Learned counsel appearing on behalf of petitioners submitted that the entire criminal case has been initiated against the petitioners is nothing but gross misuse of law. It is submitted that there are no specific allegations against the petitioner qua offence punishable u/s 498A and 406 IPC and it is also submitted that on perusal of the FIR, allegations made qua petitioner no.1 are as follows:

"Immediately on the next day after my marriage when post marriage ceremony & rituals were going on my sister in law starting taunting me in the presence of numerous relatives and said that "kangle khandan ki ladki gale pad gayi aur iske Bap ne hume thag liya."

Allegations made in the FIR with respect to Petitioner No. 2:

"My brother in law used to instigate my husband that "chain & ring halki hai, locket & diamond ring chahiye."

4. It is submitted that the allegations made in the complaint/FIR by the complainant are false, vague and fabricated only to harass the petitioners and their family with motive of extortion and securing a lucrative settlement.

5. Learned counsel appearing on behalf of petitioners submitted that the chargesheet as submitted by the Investigating Agency before the concerned Court is based solely on the false testimony of Respondent No. 2 and her parents, without any evidence, document or other proof having been produced. There are general allegations against the petitioners and it is also submitted that they are residing in Ludhiana and it is specifically submitted that the petitioners are also residing in separate house from the in-laws of the complainant. It is also submitted that while issuing summoning order dated 18.03.2021, the State has not applied the judicial mind and issued summons in a mechanical manner. It is submitted that on bare perusal of the order dated 18.03.2021 passed by Learned MM, it is clear that there was no application of judicial mind to the allegations made in the complaint when taken at face value, as even though there are averments made in the complaint do not prima facie make out a case against the petitioners. It is also submitted that the Court below has failed to consider that no evidence was adduced, the testimonies of the parents of the Complainant were exactly the same or that the testimony of Petitioner No. 1's father was not even taken on record. While issuing summoning order, the Court below has also not considered the inconsistencies between different proceedings initiated by respondent No. 2.

6. Learned counsel appearing on behalf of petitioners submitted that since this is the case of false implication and there is no material on the record to show any demand of dowry and any harassment to the complainant. Therefore, petitioners may not be put under trial unnecessarily as there is no evidence against the petitioners.

7. Learned counsel appearing on behalf of petitioners has relied upon the judgments of "Sanjeev Kumar Aggarwal & Ors. vs. State & Ors. (2007) ILR 8 Delhi 109", "Ramesh & Ors. vs. State of Tamil Nadu (2005) 3 SCC 507"

and "Preeti vs. State of Jharkhand (2010) 7 SCC 667"

8. Per Contra, Mr. Meenakshi Dahiya, learned APP for the State vehemently opposed the submission made by learned counsel for the petitioner and submitted that there is specific allegation against the petitioners and therefore, it is not a fit case for quashing of FIR while applying the extraordinary jurisdiction of this Court. There are specific materials against the petitioners which prima facie satisfy the magistrate concerned for taking the cognizance and issuance of the summoning order. There are no illegalities in the summoning order issued by the concerned magistrate. The instant petition is devoid by any merit and is to be dismissed.

9. I have heard learned counsel for the parties and perused the record.

10. I have perused the FIR, chargesheet as well as summoning order.

11. Keeping in view the aforesaid facts and circumstances and the arguments advanced by the learned counsel appearing on behalf of the petitioner and learned APP for the State and contentions made by in the petition, I am inclined to issue notice to Respondent no. 2.

12. Let PF be filed within one week. Meanwhile, respondent no. 2 is directed to file its objections.

13. List on 22.12.2021.

CHANDRA DHARI SINGH, J NOVEMBER 8, 2021 dy