



**IN THE COURT OF ADDITIONAL SESSIONS JUDGE-08, WEST
DISTRICT TIS HAZARI COURTS, DELHI**

Presided by: Nipun Awasthi, DHJS

CNR No. - DLWT010047392018

SC No. 330/2018

STATE Vs. DAMAN DEEP & ORS.

FIR No. 106/2018

U/s 498A/406/304B/34 IPC

PS Rajouri Garden

In the matter of :

State

Versus

(1). Daman Deep

S/o late Sh. Inderjeet Singh

R/o H. N. DE-141/B-2,

Tagore Garden, New Delhi.

(2). Harpreet Singh

S/o late Sh. Inderjeet Singh

R/o H. N. DE-141/B-2,

Tagore Garden, New Delhi.

(3). **Amarjeet Kaur**
W/o ate Sh. Inderjeet Singh
R/o H. N. DE-141/B-2,
Tagore Garden, New Delhi.

(4). **Milan Deep Kaur**
W/o Harpreet Singh
R/o H. N. DE-141/B-2,
Tagore Garden, New Delhi.

.....Accuseds

Date of institution of case : 25-05-2018

Date of reserving for judgment : 16-03-2026

Date of pronouncement of judgment : 30-03-2026

Appearance:

For the State : Ms. Shubhra Goyal, Ld. Addl.
Public Prosecutor.

For accuseds- Daman Deep,
Harpreet Singh, Amarjeet Kaur
and Milan Deep Kaur :Sh. Mukesh Kalia, Ld. Counsel.

J U D G M E N T

1. The accuseds- Daman Deep, Harpreet Singh, Amarjeet Kaur and Milan Deep Kaur faced trial for the offences punishable u/s 498A/406/304B/34 IPC. Charge-sheet was filed against them by SHO PS Rajouri Garden for the commission of

the said offences, upon which cognizance of the offence was taken.

Case of the prosecution:

2. The prosecution's case, in brief, is that the present FIR was registered against accuseds-Daman Deep, Harpreet Singh, Amarjeet Kaur and Milan Deep Kaur on the complaint of Smt. Kulbir Kaur - mother of deceased Harinder Kaur, who levelled allegation of cruelty, harassment and dowry on accuseds. Deceased - Harinder Kaur, was married to accused - Daman Deep on 06.12.2017. In the evening of 16.02.2018 i.e. two months and ten days after her marriage with accused Daman Deep, Harinder Kaur hanged herself in her matrimonial home i.e. H.No. DW-141/B-2, 2nd Floor, Tagore Garden, Delhi. She was taken to Kukreja Hospital by her mother-in-law i.e. accused-Amarjeet Kaur and during treatment, she passed away on 17.02.2018 at 01:30 p.m. Since the death of Harinder Kaur had taken place within seven years of her marriage therefore, the concerned Executive Magistrate conducted inquest proceedings and on the basis of allegations levelled by Smt. Harinder Kaur - mother of deceased, on the accuseds, FIR for the offences punishable u/s 498A/406/304B/34 IPC was registered against accuseds-Daman Deep, Harpreet Singh, Amarjeet Kaur and Milan Deep Kaur i.e. husband, brother-in-law (*jeth*), mother-in-law and sister-in-law (*jethani*) respectively, of the deceased. During

investigation, accused-Daman Deep was arrested, however accuseds-Harpreet Singh, Amarjeet Kaur and Milan Deep Kaur were chargesheeted without arrest. After completion of investigation, charge-sheet for the offences punishable u/s 498A/406/304B/34 IPC was filed by the IO against all the accuseds.

3. The Ld. Magistrate committed the case to the Court of Sessions after compliance of the relevant provisions.

CHARGE :

4. The accuseds – Daman Deep, Harpreet Singh, Amarjeet Kaur and Milan Deep Kaur were charged as under on 15.09.2018 :

“CHARGE

I, S.P.S Laler, ASJ (Pilot Court) West, Delhi do hereby charge you the accused persons namely,

- 1. Damandeep son of late Shri Inderjeet Singh*
- 2. Harpreet Singh son of late Shri Inderjeet Singh*
- 3. Amarjeet Kaur wife of late Shri Inderjeet Singh*
- 4. Milan Deep Kaur wife of Harpreet Singh*

as under :-

*That during the subsistence of marriage between you accused **Damandeep son of late Shri***

Inderjeet Singh and Harinder Kaur daughter of late Shri Jarnail Singh i.e. from 06.12.2017 till her death on 16.02.2018, within the jurisdiction of PS Rajouri Garden, all of you, in furtherance of your common intention being the husband and relatives of the husband of ***Harinder Kaur daughter of late Shri Jarnail Singh*** subjected her to cruelty and harassment for not fulfilling the demand of Dowry and thereby all of you committed offence punishable u/s 498-A / 34 IPC within the cognizance of this court.

Secondly, death of ***Harinder Kaur daughter of late Shri Jarnail Singh*** took place on 16.02.2018 i.e. within seven years of her marriage and the same was otherwise than under normal circumstances and soon before her death, ***Harinder Kaur daughter of late Shri Jarnail Singh*** was subjected to cruelty and harassment by all of you, in furtherance of your common intention and in connection with your demand of Dowry and thereby you all committed offence punishable u/s 304-B /34 IPC within the cognizance of Court of Session.

Thirdly, during the subsistence of marriage between accused ***Damandeep son of late Shri Inderjeet Singh and Harinder Kaur daughter of late Shri Jarnail Singh***, you all were entrusted with the articles of Stridhan of ***Harinder Kaur daughter of late Shri Jarnail Singh*** as per the list of Mark PA and you all, in furtherance of your common intention misappropriated the same or converted the same for your own use and thereby all of you committed offence punishable u/s 406/34 IPC within the cognizance of this court.

I hereby direct all of you to be tried by this court for the above said offences.

.....”

4.1 Accuseds – Daman Deep, Harpreet Singh, Amarjeet Kaur and Milan Deep Kaur did not plead guilty to the charges for the offences u/s 498A/304B/406/34 IPC and claimed trial.

Evidence adduced by the prosecution:

5. To prove the afore-mentioned charge against the accuseds, the Prosecution got examined seventeen witnesses in all, as enumerated below:

- i. **PW-1 Smt. Kulbir Kaur** – Mother of deceased -Harinder Kaur;
- ii. **PW-2 Sh. Vikram Singh** – Younger brother of deceased- Harinder Kaur;
- iii. **PW-3 Sh. Harminder Singh** – Relative of deceased;
- iv. **PW-4 Sh. Avinder Veer Singh** – Cousin of deceased;
- v. **PW-5 Sh. Rajendra Minz-** The then Executive Magistrate, Rajouri Garden who conducted inquest proceedings;
- vi. **PW-6 HC Sandeep (photographer)** – He took eleven photographs of the spot ;
- vi. **PW-7 ASI Mukesh (Incharge Mobile Crime Team)** - He prepared the crime scene report;

- vii. **PW-8 Dr. Onkar Singh** - He prepared death summary of deceased Harinder Kaur ;
- viii. **PW-9 W/Ct. Anju (DD writer)** - She recorded DD no.22B dated 17.02.2028 regarding death of Harinder Kaur;
- ix. **PW-10 HC Vinod Kumar** - He participated in the investigation;
- x. **PW-11 SI Vikas** – Investigating Officer of the case;
- xi. **PW-12 Dr. Jagjeet Singh, Senior Scientific Officer, FSL** - The FSL expert;
- xii. **PW-13 Sh. Bishan Singh, Clerk Kangra Central Cooperative Bank Ltd.** - He produced copy of bank statement of Ms. Kulbir Kaur- mother of deceased;
- xiii. **PW-13 (though should be PW-14) Sh. Shanker Sharan Tripathi, Manager Kotak Mahindra Bank** - He produced bank statement of accused- Daman Deep ;
- xiv. **PW-14 HC Manjeet Singh** - He participated in the investigation ;
- xv. **PW-15 Ct. Manish Kumar** - He participated in the investigation;
- xvi. **PW-16 HC Vikas** - He made relevant entries in Malkhana register regarding the case property;
- xvii. **PW-17 HC Virender** - He deposited the sealed pullandas in the FSL.

6. The prosecution has also relied upon the following documentary evidence:-

- i. **Ex.PW-1/A-** List of articles gifted at the time of marriage ;
- ii. **Ex.PW-1/B-** Statement of PW-1 Smt. Kulbir Kaur recorded by the Executive Magistrate;
- iii. **Ex.PW-1/C-** Seizure memo of documents provided by PW-1 Smt. Kulbir Kaur;
- iv. **Ex.PW-1/C1 (colly) -** Documents i.e. marriage invitation card of Harinder Kaur, marriage photographs, bill/cash memo and copies of bank account statement;
- v. **Ex.PW-1/C2 to Ex.PW-1/C7 (colly) –** Original bill;
- vi. **Ex.PW-1/C8 to Ex.PW-1/C12(colly) –** Original bill;
- vii. **Ex.PW-1/D –** Arrest memo of accused Daman Deep;
- viii. **Ex.PW-1/E –** Notice u/s 91 Cr.P.C;
- ix. **Ex.PW-1/F1 to Ex.PW-1/F10 –** 10 photographs of deceased with accused- Daman Deep;
- x. **Ex.PW-1/G -** Marriage card;
- xi. **Ex. PW-2/A-** Seizure memo of dowry articles;

- xii. **Ex.PW-2/DA-** Statement dated 12.04.2018 of Sh. Vikram Singh;
- xiii. **Ex.PW-3/DA-** Statement of Sh. Harminder Singh;
- xiv. **Ex.PW-4/DA-** Statement of Sh. Avinder Veer Singh;
- xv. **Ex.PW-5/A to Ex. PW-5/C-** Dead body identification statements of relatives of deceased;
- xvi. **Ex. PW-5/D** – Dead body handing over statements of relatives of deceased;
- xvii. **Ex. PW-5/E** – Statement of Smt. Avinder Veer Singh;
- xviii. **Ex. PW-5/F** – Statement of Sh. Harminder Singh;
- xix. **Ex. PW-5/G** – Brief facts of the case;
- xx. **Ex.PW-6/A1 to Ex.PW-6/A11-** Eleven photographs of the spot;
- xxi. **Ex. PW-6/B** - Certificate u/s 65B Indian Evidence Act;
- xxii. **Ex.PW-7/A** - Crime team report;
- xxiii. **Ex. PW-8/A** – Noting of Dr. Onkar Singh for statement of Harinder Kaur;
- xxiv. **Ex.PW-8/B (colly)** – Death summary of Harinder Kaur;
- xxv. **Ex.PW-8/C** - Provision death certificate of Harinder Kaur;

- xxvi. **Ex. PW-9/A** – DD No. 22B dated 17.02.2018;
- xxvii. **Ex. PW-10/A** – Pullanda containing mobile phone ;
- xxviii. **Ex. PW-11/A** – Seizure memo of three pieces of cloth near the bed from the spot ;
- xxix. **Ex. PW-11/B** – Seizure memo of mobile phone make HTC of Harinder Kaur;
- xxx. **Ex. PW-11/C** – Rukka;
- xxxi. **Ex. PW-11/D** – Seizure memo of sealed viscera and blood sample of deceased;
- xxxii. **Ex. PW-11/E** – Application of IO for preserving the dead body;
- xxxiii. **Ex. PW-11/F** – Application of IO for recording statement of Harinder Kaur;
- xxxiv. **Ex. PW-12A** – FSL report No. FSL2018 CFU-2422;
- xxxv. **Ex. PW-12/B** – Pen drive containing audio, video and images;
- xxxvi. **Ex. PW-12/C** – Certificate u/s 65B Indian Evidence Act;
- xxxvii. **Ex. PW-12/D** – FSL result forwarding letter;
- xxxviii. **Ex. PW-12/E** – DVD containing the mobile data of HTC phone;
- xxxix. **Ex. PW-12/F** – FSL report ;
- xl. **Ex. PW-12/G** – Certificate u/s 65B IEA in support

- of FSL result;
- xli. **Ex. PW-12/H** – FSL result forwarding letter;
 - xlii. **Ex. PW-13/A** – Bank statement of account of Ms. Kulbir Kaur;
 - xliii. **Ex. PW-13/B** – Pension record of account of Kulbir Kaur;
 - xliv. **Ex. PW-14/A** – Rukka;
 - xlv. **Ex. PW-14/B** – Personal search memo of accused Daman Deep;
 - xlvi. **Mark PW-15/A** – Copy of road certificate;
 - xlvii. **Ex. PW-16/A to Ex.PW-16/F-** Relevant entries regarding the case property made by the MHC(M);

The statement of accuseds u/s 294 Cr.P.C:

7. Statement of Ld. Counsel for accuseds u/s 294 Cr.P.C was recorded wherein he admitted the contents and genuineness of the following documents:-

- i. MLC No. 1285/18 dated 16.02.2018 (**Ex.AD1**);
- ii. PM Report no. 318/18 dated 18.02.2018 (**Ex.AD2**) and subsequent opinion dated 05.04.2018 (**Ex.AD3**);
- iii. FIR No. 106/18 (**Ex.AD4**) alongwith certificate u/s 65B Evidence Act (**Ex.AD5**);

- iv. DD No. 54A dated 16.02.2018 (**Ex.AD6**);
- v. DD No. 22 B dated 17.02.2018 already Ex. PW-9/A;
- vi. CDR of mobile no. 9646000512 alongwith CAF (page no. 209 to 245) (**Ex.AD7**);
- vii. PCR form dated 16.02.2018 (Ex.AD8) with certificate u/s 65 B of Indian Evidence Act (**Ex.AD9**);
- viii. FSL report dated 27.04.2018 with respect to viscera (**Ex.AD10**)

8. In view of the statement u/s 294 Cr.P.C, the witnesses namely Dr. Sabya Sanchi, Dr. Jatin Bodwal, HC Sandeep, HC Naval Kishore, Nodal Officer-Vodafone, SI George Abraham and Dr. Shubra Kumar Kaul were dropped from the list of witnesses.

The statement of accuseds u/s 313 Cr.P.C:

9. The statements u/s 313 Cr.P.C of all the accuseds namely – Daman Deep, Harpreet Singh, Amarjeet Kaur and Milan Deep Kaur were recorded. The incriminating circumstances appearing in evidence against the accuseds were brought to their notice and their explanation was sought. Accuseds claimed that they have been been falsely implicated in the case. All the accuseds wished to lead the evidence in their defence.

Defence Evidence:

10. In defence, accuseds- Daman Deep, Harpreet Singh, Amarjeet Kaur and Milan Deep Kaur got examined following witnesses:-

- i. **DW1- Sh. Anil Kumar-** Photographer who conducted photography of marriage function of deceased and accused- Daman Deep;
- ii. **DW2- Sh. Bhupinder Singh-** Assistant Manager Legal in Make My Trip India;
- iii. **DW3- Sh. Kuldeep Yadav-** Manger, Golden Plaza Hotel and Spa, Zirakpur, Chandigarh;
- iv. **DW4- Sh. S. Mahesh-** Assistant Vice President, Axis Bank, Baba Kharak Singh Marg Branch;
- v. **DW5- Sh. Dipender Singh-** Manager, American Express Banking Corp, Gurgaon;
- vi. **DW6- Sh. Nitin Bansal-** Assistant Manager (Legal), Yatri. Com, Gurugram;
- vii. **DW7- Sh. Bhupinder Singh-** Assistant Manager on behalf of Goibibo.com;
- viii. **DW8- Sh. Devesh Sharma-** He produced invoice regarding purchase of *lehnga*;

- ix. **DW9- Sh. Anvar-** Relationship Manager, ICICI Bank, Azad Market Branch;
- x. **DW10- Sh. Mukul Singhal-** General Manager, Tivoli Garden Resort, Chhatarpur;
- xi. **DW11- Sh. Varun Chauhan-** Branch Manager, ICICI Bank, Pragati Vihar, NBCC, Delhi.

11. By order dated 14.10.2024, on the statement of Ld. Counsel for accuseds, defence evidence was closed. Ld. Prosecutor and the Ld. Counsel for the accuseds advanced their respective final arguments.

12. Only four witnesses of fact i.e. material witnesses were examined by the prosecution and they are PW-1 Kulbir Kaur who is mother of deceased, PW-2 Vikram Singh who is younger brother of deceased, PW-3 Harminder Singh who is relative of deceased and PW-4 Avinder Veer Singh who is cousin of deceased.

Testimony of PW-1 paraphrased :

12.1. Deceased was her daughter. She was married to her lover - accused Daman Deep, on 06.12.2017. She gave, in marriage, articles as per list Ex.PW-1/A to the deceased and her in-laws. The deceased informed her elder sister Gurinder Kaur- who resides in the USA, that the accuseds were harassing the deceased for dowry. It was told by the deceased to Gurinder Kaur

that the accuseds were demanding Rs. 10 lac and a big vehicle. Considering this demand, she transferred Rs.1 lac to the bank account of accused Daman Deep. The deceased was not allowed to visit her house after marriage. On 16.02.2018 at about 8 p.m, accused Harpreet Singh informed her that the deceased was not feeling well and her blood pressure was falling. Upon receiving this information, she left her native place at Una in the night of 16.02.2018 and reached Delhi on 17.02.2018 at about 6 a.m and when she reached the hospital, she came to know from the accuseds that the deceased had committed suicide by hanging. Her statement was recorded by the Executive Magistrate. The accuseds were not keeping the deceased happy and accused Daman Deep used to beat the deceased and deceased's in-laws used to harass her for dowry.

Testimony of PW-2 paraphrased :

12.2. Deceased was his elder sister. They spent about Rs.20 lac in the marriage ceremony of deceased. It was agreed with the in-laws of the deceased that half of the expenses of the marriage would be borne by them but they did not bear the said expenses. After few days of marriage, the deceased informed him that the accuseds were harassing her for dowry and demanding Rs. 10 lac and a big car alongwith gold. On 02.01.2018, his mother transferred Rs. 1 lac to the bank account of accused Daman Deep. The accuseds continued to harass the deceased. 2-3 days prior to her death, the deceased informed him that the

accuseds had not stopped harassing her for dowry.

Testimony of PW-3 paraphrased :

12.3. PW-1 is his sister-in-law (*saali*). The deceased was daughter of PW-1. Accused Daman Deep and deceased were in love. Their marriage was solemnized on 06.12.2017. About 1- 1 ½ months after their marriage, PW-1 informed him that the accuseds were subjecting the deceased to cruelty in relation to dowry demands. On 16.02.2018, he came to know that the deceased was admitted to hospital. Upon receiving this news, he came to Delhi. On 17.02.2018, the deceased passed away in hospital.

Testimony of PW-4 paraphrased :

12.4. PW-1 is his aunt (*mausi*). The deceased was daughter of PW-1. Accused Daman Deep and deceased were in love. Their marriage was solemnized on 06.12.2017. About 1-1 ½ months after their marriage, PW-1 informed him that the accuseds were subjecting the deceased to cruelty in relation to dowry demands. On 16.02.2018, he came to know through PW-1 that that the deceased was admitted to Kukreja Hospital. Upon receiving this news, he came to Delhi alongwith his father. On 17.02.2018, the deceased passed away in hospital.

12.5. The witnesses PW-3 and PW-4 are essentially hearsay witnesses.

13. The argument and defence of the accuseds is that the deceased had suicidal tendencies and she had exhibited the same during her life time and the suicide committed by her was not induced by any culpable conduct of accuseds but was resultant of her suicidal tendencies.

14. Entire data saved in the mobile handset of the deceased was retrieved by the FSL consequent to order dated 04.12.2018 of this Court and produced as evidence before this Court. The said data is contained in Ex.PW-12/E and the FSL report Ex.PW-12/F.

15. The accuseds have successfully shown to the Court with the aid of this material that the deceased had suicidal tendencies.

15.1. The following messages sent by the deceased are evidence in proof of the fact that she nourished suicidal tendencies :

i. Message dated 18.04.2017 at 15:34 hr to Deepak Goyal – *agar suicide karna ho,*

ii. Message dated 18.04.2017 at 15:34 hr to Deepak Goyal – *to kya option hai,*

iii. Message dated 19.04.2017 at 02:33 hr from Deepak Goyal to deceased – *par suicide karna kyon hai,*

iv. Message dated 15.07.2017 at 12:45 hr to Deepak Goyal – *all bad thoughts coming into my mind,*

v. Message dated 15.07.2017 at 12:45 hr from Deepak Goyal to deceased – *like what* (this message is in reply to the message referred in para iv above),

vi. Message dated 15.07.2017 at 12:46 hr to Deepak Goyal – *suicidal tendencies*. This message is in response to the message of Deepak Goyal referred to in para v above and here the victim admits that she is disturbed by the suicidal tendencies she experiences,

vii. Message dated 15.07.2017 at 12:47 hr to Deepak Goyal – *kuchh to kabhi to sahi ho*,

viii. Message dated 15.07.2017 at 12:47 hr to Deepak Goyal – *but nahi*,

ix. Message dated 15.07.2017 at 12:47 hr by Deepak Goyal to deceased – *time kharab chal raha hi heer tera*,

x. Message dated 15.07.2017 at 12:47 hr to Deepak Goyal – *wo to mere paida hone se hi kharab chal raha hai*,

xi. Message dated 15.07.2017 at 12:48 hr to Deepak Goyal from deceased – *unwanted*,

xii. Message dated 15.07.2017 at 12:48 hr to Deepak Goyal – *by birth*,

xiii. Message dated 15.07.2017 at 12:48 hr from Deepak Goyal to deceased – *aisa mat socha kar ki unwanted*.

15.2. The above cited conversation shows with certainty that the deceased had been feeling unwanted since birth and she had suicidal tendencies. Thus, it is found that the accuseds have

successfully proved that the psyche of the victim was such that it was driving her to suicide.

16. There is nothing in the messages retrieved from the mobile handset of the deceased which shows that she was subjected to cruelty by the accuseds. It is conspicuous from the messages she sent to her mother and cousins/siblings that she had no grievance from her husband or her in-laws. There is not even an allusion to any dowry demand made from her or of any cruelty/harassment committed on her by the accuseds. The deceased had not even alluded to any misappropriation of her property by the accuseds, in her conversations.

17. The marriage of deceased with accused Daman Deep was a love marriage and deceased's mother – PW-1 Kulbir Kaur admitted the same.

17.1. PW-1 had deposed that her deceased daughter had told deceased's elder sister – Gurinder Kaur who resides in USA that the accuseds were harassing her for dowry and demanding Rs. 10 lac and a big vehicle from her.

17.1.2. Gurinder Kaur was not examined by the prosecution and hence, the deposition of PW-1 in this regards has no probative value.

17.1.3. The conversation between the deceased and Gurinder Kaur retrieved from deceased's mobile phone is not suggestive of any conduct of the accuseds which was disturbing the deceased. The conversation between the deceased and

Gurinder Kaur is reproduced below for ready reference:

- i. Message dated 23.11.2017 at 11:00 hr to Gurinder Kaur – *yooo babes,*
- ii. Message dated 26.11.2017 at 04:35 hr to Gurinder Kaur – *thanks babes,*
- iii. Message dated 26.11.2017 at 06:22 hr to Gurinder Kaur – *mom started at 11.30,*
- iv. Message dated 30.11.2017 at 03:24 hr to Gurinder Kaur – *ayega kaun kaun,*

Messages after marriage:

- v. Message dated 11.12.2017 at 18:44 hr from Gurinder Kaur – *hi,*
- vi. Message dated 11.12.2017 at 18:44 hr from Gurinder Kaur – *ki haal chaal,*
- vii. Message dated 14.12.2017 at 12:58 hr to Gurinder Kaur – *hi dii,*
- viii. Message dated 14.12.2017 at 12:58 hr to Gurinder Kaur – *yes all gud,*
- ix. Message dated 18.12.2017 at 13:31 hr from Gurinder Kaur – *hows your honeymoon going? Send some pics,*
- x. Message dated 19.12.2017 at 13:49 hr from Gurinder Kaur – *aise hi haal chaal ke liya ping kiya....how is Daman,*
- xi. Message dated 21.12.2017 at 05:48 hr to

Gurinder Kaur – *hi babes,*

xii. Message dated 21.12.2017 at 05:48 hr to Gurinder Kaur – *we are good.....hw are u guys?.*

17.1.4. All the conversations between Gurinder Kaur and the deceased are in nature of general inquiries about well being of each other. There is nothing in these conversations which suggests that the deceased was subjected to cruelty by the accuseds or that she was being harassed by the accuseds. If it is deposed by PW-1 that the deceased was conversing with her elder sister Gurinder Kaur regarding her being treated with cruelty by the accuseds then it is expected that the nature of messages would be suggestive of such conduct.

18. The nature of testimony of PW-1 is about her opinion and not about her knowledge of facts and this finding is drawn from the testimony of PW-1 where she deposed that in her estimation her deceased daughter could not have committed suicide. The pertinent portion of her testimony recorded on 25.10.2018 is reproduced below:-

'My daughter could not have committed suicide as she was highly educated and was gainfully employed'.

18.1. The assessment of PW-1 regarding the conduct of deceased is not a fact-in-issue or a relevant fact. Hence, is of no

probative value as incriminating evidence.

19. PW-1 had deposed that on 15.02.2018, she received a telephonic call from the deceased and deceased informed her that she was being harassed by the accused for dowry.

19.1. In the contents of the messages exchanged between the deceased and her sister Gurinder Kaur on 15.02.2018, there is nothing to suggest that the deceased was subjected to any cruelty. The deceased was talking to Gurinder Kaur about prospective courses she may take and about her gastric troubles.

19.1.1. The following table contains/enumerates the messages exchanged between deceased and Gurinder Kaur on 15.02.2018:

Gurinder Kaur			Deceased	
Sr. No.	Time (Hr)	Message	Time (Hr)	Message
1.	10:17	<i>Hi harry</i>		
2.	10:19	<i>Hi babes</i>		
3.			10:19	<i>How are you</i>
4.			10:21	<i>All good?? itni subha message</i>
5.	10:21	<i>Main to theek hi hun</i>		
6.	10:22	<i>Teri chinta rehti hai.....tu theek hai?</i>		
7			10:22	<i>Yes yes am fine</i>

8.	10:22	<i>Office mai hai?</i>		
9.			10:23	<i>Nahi ghar pe hi hun</i>
10.	10:23	<i>Kyon office nahi gai aaj bhi</i>		
11.	10:23	<i>Not well ?</i>		
12.			10:23	<i>Yep.....not well</i>
13.	10:23	<i>Kya pet dard</i>		
14.			10:23	<i>Yes</i>
15.	10:23	<i>Itna bhi kya ho gaya</i>		
16.			10:24	<i>Not sure</i>
17.			10:25	<i>Abhi paanch din ki medicine hai.....theek nahi hua tab tak to uske baad ultrasound and baki test honge</i>
18.	10:25	<i>Ok</i>		
19.	10:26	<i>Ha I hope theek ho jaye med se</i>		
20.			10:26	<i>Ha</i>
21.	10:26	<i>Kya khati hai ghar pe....khichdi?</i>		
22.			10:27	<i>Ha...abhi banai hai</i>
23.	10:28	<i>Chal kha le</i>		
24.	15:21	<i>Came to my knowledge that you want to study something.....that's goodwhat do you have in mind...leme if you need any inputs happy to help</i>		
26.			10:22	<i>Big data ya data</i>

				<i>analytics ka soch rahi hun</i>
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19.1.2. This is how their conversation went and the two sisters are seen discussing each other's well being and future plans. There is nothing abnormal to be noticed in this conversation which would suggest that the deceased was in trouble or pain due to accuseds' conduct.

20. PW-2 Vikram Singh is younger brother of the deceased and he deposed that 2-3 days prior to her death, the deceased called him and told him that the accuseds had not stopped harassing her. Pertinent portion of PW-2's testimony is reproduced below:-

'my sister had telephonic conversation with me 2-3 days prior to her death. She told me that the accused persons had not stopped harassing her. I told her that we will visit her matrimonial house and will get a solution. However, we did not get a chance to have matter settled. On 16.02.2018, we received a telephonic call about illness of my sister and on 17.02.2018 my sister expired in the hospital'.

20.1. The messages exchanged between the deceased and Deepak Goyal – her friend, on 15.07.2017 i.e. two days before her death, are contrary to what PW-2 has deposed. These messages show that the deceased felt herself to be an unwanted child of her parents and was nourishing suicidal tendencies and these

messages do not contain any expression of her's being aggrieved by any unwanton conduct of her husband and in-laws:

Deepak Goyal			Deceased	
Sl. No.	Time (Hr)	Message	Time (Hr)	Message
1.	12:47	<i>Time kharab chal raha hai heer tera</i>		
2.			12:47	<i>Wo to mere paida hone se hi kharaab chal raha hai</i>
3.			12:48	<i>Unwanted</i>
4.			12:48	<i>By birth</i>
5.	12:48	<i>No way</i>		
6.	12:48	<i>There are many people who need you</i>		
7.			12:48	<i>No one</i>
8.	12:48	<i>Aisa mat socha kar ki unwanted</i>		
9.			12:49	<i>Jinke gharwalon ko hi nahi chahiye jo log wo kisi aur ko to kya hi chahiye honge</i>
10.	12:49	<i>Aisa nahi hai pata nahi aise log ate hi kyon hai duniya mai sab theek ho jayega</i>		
11.			12:50	<i>Ab kya reh gaya theek hone ko</i>
12.	12:51	<i>Abhi sab kuchh bacha</i>		

		<i>hai</i>		
13.			12:51	<i>Aap kal keh rhe tha na</i>
14.	12:51	<i>Tujhai abhi asli khushi milni baaki hai</i>		
15.			12:51	<i>Failures</i>
16.			12:51	<i>Ye hote hai failures</i>
17.			12:51	<i>Your parents do not need you</i>
19.			12:52	<i>You try to cope with that</i>
20.			12:52	<i>And then</i>
21.			12:52	<i>You realise that you</i>
22.	12:47	<i>They do need you</i>		
23.			12:52	<i>No they don't....they never wanted me</i>
24.			12:54	<i>I have counted</i>
25.	12:54	<i>But ye samajh le jaldi hi sab theek ho jayega aur tujhai tere hisse ki khushi milegi</i>		
26.			12:54	<i>Mere paas around 100 tablets hai</i>
27.	12:54	<i>What have you counted</i>		
28.			12:54	<i>Migraine wali</i>

20.2. The above conversation shows that the deceased was harbouring since her childhood, a feeling that she was an

unwanted child of her parents and was suffering from suicidal tendencies resultantly.

Conclusion:

21. From the material available on record, it is proved that the accuseds cannot be imputed with any conduct of cruelty or harassment towards the deceased and it is also proved that deceased was troubled by negative feelings and suicidal tendencies. Hence, this Court finds that the prosecution has failed to prove its case and the accuseds are not proved to have subjected the deceased to cruelty or harassment in respect of dowry demand. Therefore, all the accuseds namely Daman Deep, Harpreet Singh, Amarjeet Kaur and Milan Deep Kaur are acquitted of the offences punishable u/s 498A and 304B IPC, which they were charged with.

22. When it comes to articles/things/gifts given at the time of marriage, to arrive at just decision, it is necessary for the Court to have the best evidence before it and not created/manipulated evidence. To this end, the logic/reason/rationale adopted by the law is that such articles must be entered in a list at the time when they are given. This rationale is adopted and expressed in Section 9 of the Dowry Prohibition Act, 1961 wherein it is worded in the proviso of this section that *Provided that such presents are entered in a list maintained in accordance with the rules made under this Act:*

22.1. No such list was prepared at the time when the gifts were given. Pertinent portion of testimony of PW-1 recorded during her cross-examination conducted on 26.02.2019 is reproduced below for ready reference:

'At the time of marriage, no list of articles gifted to the in-laws of my deceased daughter, was prepared. Vol. No demand of dowry was made from me by the accused persons and it was made from my deceased daughter only'.

22.2. From the above testimony, it is evident that the list Ex.PW-1/A is an after thought. It is also evident that no dowry demand was made by the accuseds from PW-1 and the prosecution has failed to prove, as discussed in earlier paragraphs that any dowry demand was made from the deceased by the accuseds.

22.3. The list Ex.PW-1/A was not prepared by PW-1. It is also proved from the testimony of PW-1 that the list Ex.PW-1/A was not prepared on the day when it is recorded to have been prepared. Pertinent portion of her testimony during her cross-examination recorded on 26.02.2019 is reproduced below for ready reference:

'List of dowry articles Ex.Pw-1/A is not in my handwriting, however the same was prepared in

my presence and in the presence of my son Vikram, my two nephews namely Avinder Veer Singh and Amrik Singh. The same date was mentioned at the bottom of the list of dowry articles on which it was prepared in my presence.

At this stage, attention of the witness is drawn to the document Ex.PW-1/A and after seeing the same, witness states that the same was not prepared on 24.02.2018 and the said date has been put in the document subsequently at point X'.

22.4. From the above quoted testimony, it is proved that the list Ex.PW-1/A is manipulated and an after thought to construct case against the accuseds.

23. Since the list of articles is untrustworthy, the fact that what property was entrusted to the accuseds is 'not-proved'. Hence, all the accuseds namely Daman Deep, Harpreet Singh, Amarjeet Kaur and Milan Deep Kaur are acquitted for the offence punishable u/s 406 IPC.

24. File be consigned to Record Room.

**Announced in open Court
on 30-03-2026.**

**(NIPUN AWASTHI)
Addl. Sessions Judge-08 (West)
Tis Hazari Courts Delhi**