

**State Vs. Deepak. CHI-500 of 2015**

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**IN THE COURT OF SH. TARUN CHAUDHARY, JUDICIAL  
MAGISTRATE 1st CLASS, (UID. NO. HR0469), YAMUNA  
NAGAR AT JAGADHRI.**

CIS No. **CHI-500 of 2015.**

Criminal Case No : 13-1 of 2015.

Date of Instt. : 04.05.2015/11.01.2018.

Date of Decision : 11.01.2018.

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| State | Versus | Deepak Kumar Sharma son of Avinash Kumar Sharma, resident of House no. 12/244, Lodhi Road, Lodhi Colony, New Delhi. |
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FIR No. : 491 dated 18.12.2014.

Under Section : 498-A, 406, 506 IPC

Police Station : Farakpur.

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Present: Shri Navdeep, APP for the State assisted by Shri Rameshwar Parsad, Advocate for the complainant.  
Accused on bail represented by Shri Gaurav Goyal, Advocate.

**JUDGMENT:-**

The above named accused has been sent by S.H.O, Police Station Farakpur to face trial for commission of offences punishable under Sections 498-A, 406, 506 IPC. FIR was registered on the complaint of Smt. Shipra Sharma wife of Shri Deepak Kumar and daughter of Shri Suresh Kumar Sharma, resident of House no. 1373-A, Modern Colony, near ITI, Yamuna Nagar under Section 156 (3) Cr.P.C vide order dated 01.12.2014 passed by Shri Jatin Garg, the then learned Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri.

**FACTS:-**

2. Briefly, as per the complainant, she was married to accused on 29.11.2012 according to Hindu rites and ceremonies. Further, as per the complainant, the said marriage was performed through Shadi.com. Further, as per the complainant, first meeting took place in the first week

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of September 2012 when the accused and his parents came to Yamuna Nagar. Further, as per complainant, it was insisted in the talks that the girl is vegetarian and upon this accused also stated that they are also vegetarian. Further, as per the complainant, in the said meeting, it was decided that the marriage shall take place in the last of November 2012 and engagement shall take place in the last of October 2012.

3. Further, as per the complainant, after some time, her parents-in-laws insisted telephonically that because everything has been settled, therefore, as per their custom, they should give Rs. 50,000/- to the accused and as a result her father gave Rs. 50,000/- to the accused through NEFT, PNB, Yamuna Nagar. Further, as per the complainant, in order to show and pretend their goodness and in order to influence, the father of accused namely Avinash Kumar Sharma gave a cheque of Rs. 40,000/- in the name of the complainant, which was deposited by her in her account and it was only with an intention to allure her and her family members.

4. Further, as per the complainant, as per schedule, the engagement took place at Yamuna Nagar on 24.10.2012 on the eve of Dussehra in the presence of relatives. Further, as per the complainant, accused and his blood relatives had been given big welcome and at the time of engagement, one diamond ring was given to the accused; one gold ring was given to her father-in-law and one pair of gold tops was given to her mother-in-law. Further, as per the complainant, one gold chain had also been given to the accused because the same has been demanded by the accused. Further, as per the complainant, as per the demand of

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accused, marriage took place on 29.11.2012 and the same was solemnised in Delhi on the demand and request of the accused and his parents and the entire expenses of the marriage were borne by her parents. Further, as per the complainant, on the demand of the accused as well as his parents, her father had given a cheque of Rs. 2 lac drawn on OBC, Jagadhri workshop road, Yamuna Nagar in the name of her father-in-law on 21.11.2012 and one big LED TV was also given at that time.

5. Further, as per the complainant, after the marriage, she resided with the accused at his residence along with his parents. Further, as per the complainant, accused and Poonam Sharma told her that they have never seen such a dirty and below dignity marriage. Further, as per the complainant, they used to say that Deepak accused is a renowned engineer and she is also employed in Parliament on some senior post and their respect has been highly diminished in the society. Further, as per the complainant, she along with accused went to Goa for Honeymoon and she was carrying Rs. 60,000/- which belonged to her as 'Shagun' given to her in the marriage, however, the said money was snatched by the accused. Further, as per the complainant, after Honeymoon they reached home and she was given a very cold and cruel treatment by her parents-in-laws by saying that there was no necessity of Honeymoon.

6. Further, as per the complainant, on 16.12.2012, accused and his parents came to Yamuna Nagar and made a demand of luxurious car not below Rs. 15 lac. Further, as per the complainant, on the demand of accused and his parents, one gold ring was given in addition to Rs.5000/-

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each and some other customary gifts were also given with the hope that she shall be kept nicely with them as her parents could not give luxurious car as demanded by the accused and his family members. Further, as per the complainant, she went to Delhi in the company of the accused and his parents but she was not treated well and accused and his family members used to harass her for want of dowry. Further, as per the complainant, it was revealed that accused is drug addict and the entire family was non-vegetarian. Further, as per the complainant, she was asked to cook non-vegetarian dishes, which she could not see and there were quarrels on this point many times and she requested the accused that she is pure vegetarian.

7. Further, as per the complainant, the accused and his parents used filthy language against her parents and told that she is an animal. Further, as per the complainant, she was given severe beatings by the accused. Further, as per the complainant, her sister-in-law Pooja was married, however, she resided there, who used to add fuel to fire. Further, as per the complainant, in the night of 13.02.2013, she was given beating by the accused and her parents in law also slapped her and she was beaten by the accused. Further, as per the complainant, in March 2013, when she was pregnant, accused stated her that the child in her womb is not of him and he forcibly got aborted that pregnancy. Further, as per the complainant, in the month of May, 2013 when she was again pregnant, accused stated that he would get DNA test of child conducted and he along with her parents, got aborted her pregnancy. Further, as per the

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complainant, in the night of 21.09.2013, her brother Raman Sharma came and in his presence, the demand of car was raised by the accused and his family members and it was further told in his presence that she is a bitch and is burden upon the accused and his parents and then she was shunted out from her matrimonial house on 22.09.2013 in the morning.

8. Further, as per the complainant, on 27.10.2013, she was brought back by the accused with the promise that no act of domestic violence shall be committed on her. Further, as per the complainant, accused is a chain smoker and drug addict and her father-in-law is a dead drunkard. Further, as per the complainant, accused and his father after taking heavy liquor and non-vegetarian, used to create fuss and in the guise of intoxication, they used to abuse and maltreat and beat her. Further, as per the complainant, on the eve of Lohri on 13.01.2014, accused and his parents in a pre-planned conspiracy raised quarrel with her and threatened her to burn alive in the fire of Lohri, if their demands are not fulfilled and said incident was seen by the tenants of the accused. Further, as per the complainant, in the intervening night of 28/29.05.2014, the accused and his parents thought of killing her and they caught hold her and made her to strike against the wall and her mother-in-law declared to liquidate her. Further, as per the complainant, she with folded hands pleaded to leave her, however, they did not let her go and were adamant and they were striking her abdomen with fists and leg blows. Further, as per the complainant, she raised alarm and on hearing her noise, neighbourers came there and rescued her from the clutches of the accused

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persons and she was shunted out from the matrimonial house on the next morning with the treats not to show her face and never to come back.

9. Further, as per the complainant, on 29.05.2015 she being Hindu pious lady came back to her matrimonial house along with her parents and they made efforts to make understand the accused and his family members, but all in vain. Further, as per the complainant, on 27.09.2014, her brother went to the house of accused and requested the accused and his parents to return all her istridhan. Further, as per the complainant, firstly accused refused to return the same, however, later on they only gave few articles and other ornaments and gold jewelery shall be given later on as the same are lying in the locker. Further, as per the complainant, on 18.10.2014, she along with her brother went to the house of the accused and demanded back her belongings, jewelery and Istridhan, however, the accused and his parents totally refused to return the same. Further, as per the complainant, she called on Telephone Number 100 and police came at about 10:30 AM, however, the police told her that she should file a complaint against the accused, only then the articles will be returned by the accused.

10. Further, as per the complainant, finding no other option, she reported the matter to the S.P., Yamuna Nagar vide report no. 3401/28.10.2014. Further, as per the complainant, on this accused and his family members were called and 29.11.2014 accused and his parents appeared before Police Station Women, Yamuna Nagar. Further, as per the complainant, she along with her parents, brother and one Shri Satish

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Goel came there, however, the accused and his parents totally refused to keep her and they further refused to return her dowry articles and her valuable belongings as they were adamant on their illegal demand of dowry. Further, as per the complainant, all the dowry articles and Istridhan are lying in the custody of the accused and his family members. Further, as per the complainant, she was harassed and taunted by the accused and his parents for want of dowry and further, accused and his family members misappropriated her Istridhan and refused to return the same. Hence, the present complaint.

11. FIR under Sections 498-A, 406, 315, 506 IPC was registered by the police against the accused. During investigation, accused was joined into investigation on 08.01.2015. During further investigation, Section 315 IPC was struck down. Further, accused was produced before the Court and was granted bail by learned trial Court.

12. After completion of the investigation, challan against the accused under Section 173 Cr.P.C was filed by the police, in which accused was charge-sheeted for commission of offences punishable under Sections 498-A, 406, 506 IPC.

13. Copies of challan and other relevant documents were supplied to the accused in compliance of Section 207 Cr.P.C.

**CHARGE:-**

14. Thereafter, Learned APP for the State and Learned defence Counsel heard on the point of framing of charge.

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15. Thereafter, accused was charge-sheeted under Sections 498-A, 406, 506 IPC by the then JMIC, Jagadhri vide order dated 08.06.2015, to which the accused pleaded not guilty and claimed trial.

**EVIDENCE:-**

16. Thereafter, the case was adjourned for prosecution evidence.

To prove its case the prosecution has examined following witnesses:-

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|------|---------------------------|
| PW-1 | Suresh Kumar              |
| PW-2 | Shipra Sharma-complainant |
| PW-3 | Dr. Santosh Dhar          |
| PW-4 | ASI-Prithvi Singh         |
| PW-5 | Satish Goel               |

17. Statement of the accused under Section 313 Cr.P.C was recorded, in which the accused wishes to lead defence evidence, however, no evidence in defence has been led by the accused and the same has been closed by him by making separate statement on 09.01.2018. Thereafter, case was adjourned for final arguments.

**ARGUMENTS:-**

18. Written arguments have been placed on record by the complainant as well as accused.

19. During arguments, it has been submitted by the Ld. APP for the State that the bank statement produced on the case file clearly shows that the money was transfer by the father of the complainant in the account of the accused on their demand. Further, it has been argued by learned APP for the State that the said transaction clearly proves the demand of dowry made by the accused and his parents. Further, it has

been submitted by learned APP that the complainant has duly supported her version through her testimony and the factum of physical as well as mental harassment has been duly proved against the accused through cogent evidence, and, therefore, the accused should be held guilty and be sentenced accordingly.

20. On the other hand, it has been submitted by learned defence counsel that a false case has been implicated upon the accused by the complainant. Further, it has been argued that the alleged money transfer by father of the complainant towards the accused was for the preparation of marriage ceremony. Further, it has been argued by learned defence counsel that the expenses of marriage ceremony were borne by the complainant as well as accused in equal share and no dowry demand was ever made by the accused as alleged by the complainant. Further, it has been further argued that the complainant was never harassed by the accused for bringing insufficient dowry as alleged by the complainant. Further, it has been argued by learned defence counsel that false allegations were made by the complainant against the accused. Further, it has been argued by learned defence counsel that there is present no evidence on the case file proving the guilt of the accused and as such, accused should be acquitted from all the charges levelled against him.

21. This Court heard learned APP for the State and learned defence counsel and have gone through the case file very carefully.

**CONCLUSION:**

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22. After hearing the arguments from both the sides and perusing the case file, it is observed by the Court that as per the allegations of the prosecution, money was demanded by father of the accused and as per his demand, Rs. 2,50,000/- was given to the father of the accused through cheque, Further, it is observed by the Court that it has been testified by the father of the complainant examined as PW1 that the alleged amount was paid back by the father of the accused. Further, it has been testified by the witness himself that the amount of Rs. 2,00,000/- was given by him for arranging the function of the marriage ceremony.

23. Further, it is observed by the Court that no independent witness has been examined by the prosecution who can testify that any dowry demand was ever made by the accused before or after the marriage. Further, it is observed by the Court that no receipt whatsoever has been placed on the case file which can show that any such articles named by the complainant was given in the marriage as dowry to the accused.

24. Further, it is observed by the Court that no cogent evidence is present on the case file which can show that the complainant was harassed physically as well as mentally by the accused for the sake of dowry.

25. At this stage, after perusing the case file, the Court is of the confirmed view, that the prosecution has failed to prove the guilt of the accused beyond the shadow of reasonable doubt. Therefore, in lack of cogent material evidence present on the case file, the benefit of doubt goes to the accused. Therefore, in these circumstances, accused Deepak Kumar stands acquitted of the charges levelled against him. His bail

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bonds and surety bonds are discharged. File be consigned to the records,  
after due compliance.

Pronounced in open court:  
Dated 11.01.2018.

(Tarun Chaudhary)  
Judicial Magistrate Ist Class,  
Yamuna Nagar at Jagadhri.  
(UID no. HR0469)

Note: This judgment contains eleven (11) pages and each page has been  
checked and signed by me.

(Tarun Chaudhary)  
JMIC-Yamuna Nagar at Jagadhri.  
11.01.2018.

Typed by:  
Rajesh Kumar/JW

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Present: Shri Navdeep, APP for the State assisted by Shri Rameshwar Parsad, Advocate for the complainant.  
Accused on bail represented by Shri Gaurav Goyal, Advocate.

Final arguments heard. Order pronounced. Vide separate judgment of the even date, accused Deepak Kumar stands acquitted of the charges levelled against him. His bail bonds and surety bonds are discharged. File be consigned to the records, after due compliance.

Pronounced in open court:  
Dated 11.01.2018.

(Tarun Chaudhary)  
Judicial Magistrate Ist Class,  
Yamuna Nagar at Jagadhri.  
(UID no. HR0469)

Typed by:  
Rajesh Kumar/JW