

ITEM NO.31

COURT NO.8

SECTION II-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Crl.) No.5307/2019

(Arising out of impugned final judgment and order dated 07-05-2019 in CRLMC No. 4553/2016 passed by the High Court of Delhi at New Delhi)

RAHUL ARORA

Petitioner(s)

VERSUS

STATE (GOVT. OF NCT OF DELHI) & ANR.

Respondent(s)

(IA No. 90108/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT & IA No. 90111/2019 - EXEMPTION FROM FILING O.T.)

Date : 21-08-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s)

Petitioner-in-person

For Respondent(s)

Mr. Shubhranshu Padhi, AOR
Mr. Jay Nirupama, Adv.
Mr. Niroop Sukriti, Adv.
Mr. Rajeshwar Shankar, Adv.

Mr. Pankaj Malik, Adv.
Mr. Jalaj Malik, Adv.
Mr. Rakesh Kumar-I, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. Exemption Applications are allowed.
2. The question which arises for consideration is whether the impugned order, which directed further proceedings for framing of charge pursuant to the charge-sheet filed in this case, alleging that the petitioner had committed the offence under Section 498A of the Indian Penal Code (IPC) was correctly decided. Both the Magistrate and the Appellate Court had formed the opinion that the

allegations enumerated in the charge-sheet were not sufficient to frame any charge in respect of the concerned offences. However, the High Court took a different opinion after considering the overall material including the two complaints filed by the respondent – wife before lodging the First Information Report.

3. Mr. Rahul Arora, petitioner-in-person emphasized that the complaint was highly belated and contains absolutely false information. He also argued that the wife had withdrawn the complaint and in these circumstances, there was no question of any cruelty. He, therefore, submitted that the orders of the Magistrate and the Sessions Judge were correct and ought to be affirmed. However, learned counsel for the respondent equally emphasized that the order of the lower Courts were unsustainable having regard to the materials on the record.

4. Having considered the record which points to several instances outlined by the respondent – wife which appear to have been gone into in detail by the High Court, this Court is satisfied that there is no illegality or error in the impugned order calling for interference.

5. The Special Leave Petition is dismissed.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(BEENA JOLLY)
COURT MASTER (NSH)