

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P. (CrI.) No. 1174/2004

Reserved on: 22.8.2007/31.08.2007

Date of Decision: 31.8.2007

Chitrakala and Ors

Petitioners Through : Mr. Amit Bhardwaj and Mr. Vishal Malhotra, Advocates

Versus

State and Ors.

Respondents Through : Ms. Mukta Gupta and Ms. Rajdipe Behura, Advocates

CORAM: JUSTICE SHIV NARAYAN DHINGRA I.

Whether reporters of local papers may be allowed to see the judgment?

To be referred to the Reporter or not?

Whether the judgment should be reported in the Digest?:

JUDGMENT:

1. This writ petition has been filed by parents and relatives of deceased Pushpa with a prayer that this Court should issue writ of mandamus directing respondents for registration of FIR with regard to murder of the deceased (Pushpa) on 23.6.2004 by her husband and in-laws and giving directions to SHO PS Narela to hand over the record of the case to CBI/Delhi Crime Branch/Special Cell for complete and detailed investigation.
2. Brief facts relevant for the purpose of deciding this petition are that on 23.6.2004 around 5.00 p.m. Smt. Pushpa w/o Satbir Singh was taken to Saroj Hospital Rohini with history of fall from the roof. The doctor at Saroj Hospital examined and found Smt. Pushpa dead, so he declared her as brought dead and suggested that it was a case of MLC and MLC should be recorded. However, the relatives of Smt. Pushpa did not agree to this and took away the body. He gave the information to the police. This information was entrusted to Ramesh Chand, ASI, who upon receipt of this information went to house where relatives of deceased Pushpa were present including her father Jai Narain, brother Anup Narain and daughter Sandhya, aged 15 years and her son aged 11 years and other relatives. He made enquiries from all of them and it was told that Pushpa had fallen from roof of the house. He recorded statement of relatives and other respectables of village and did not suspect any foul play in the matter. Deceased Pushpa was cremated the same evening in presence of her parents and they also did not suspect any foul play at that time. However, after about a month the parents of deceased made a complaint at PS Narela alleging that Smt. Pushpa was killed by her husband and in-laws on account of dowry demands. Police again made fresh enquiries in view of the allegations made in the complaint but found that allegations were not substantiated so did not register a FIR. So, by this writ petition, petitioner has sought registration of FIR on the ground that her death was not due to fall but she was murdered. It was also alleged that her husband Satbir had illicit relations with another woman named Kamla and this was one of the reasons for murder of Pushpa.
3. During the pendency of this petition, this Court directed police to record the statement of the son and daughter of the deceased. Statement of both the children is placed on record. The daughter was 16 years old at the time of recording of her statement. In her statement she stated that her parents were not having any differences and did not use to quarrel. They used to live with love and affection. On the day of incident, she had gone to her (bua)'s house and her younger brother Sandeep was at home and he gave her a telephone call that

their mother had fallen from the roof. On receipt of this information, she and her husband rushed to home and they reached there within one hour. When she reached her home her maternal grand parents and maternal uncles Anoop Narayan, Jai Parkash and Mahesh and her maternal aunts were present at home and they informed that her parents were at roof and iron jaal (net) on the roof was being adjusted when her mother suddenly fell down from the roof. Police had also come home and made enquiries and police was also told the something. Her maternal grand parents were not taking much interest in them prior to the incident. They suddenly started taking interest only after death. There was no fault of anyone in the fall of her mother. The statement of Master Sandeep was also recorded. He was 12 years old at the time of incident and a student of VII class. He was also on the roof when the incident took place and was flying a kite. He stated that her both parent were on the roof and they were closing jaal on the roof when her mother lost balance and she fell down. Her parents never used to quarrel with each other and his mother was never beaten by his father. When her mother suddenly fell down from the roof, he immediately gave phone call to her sister and maternal uncle. Maternal grand parents, maternal uncles and maternal aunts had come on the same day at about 6.00 p.m.

4. After considering report filed by the respondent as well as the statements made by the children of the deceased Smt. Pushpa, I find no force in the writ petition. The writ petition is hereby dismissed.

SHIV NARAYAN DHINGRA, J.
August 31, 2007