



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: 10th February, 2026

Pronounced on: 13th March, 2026

Uploaded on: 13th March, 2026

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CRL.A. 803/2018

THE STATE

.....Appellant

Through: Mr. Ritesh Kumar Bahri, APP with
Mr. Lalit Luthra and Dr. R. S. Gupta
Advs.
SI Deepak Sharma P.S. Dabri

versus

VIJAY TYAGI & ORS

.....Respondents

Through: Mr. C. Mohan Rao, Sr. Adv. with Mr.
Naresh C. Sharma and Mr. Lokesh
Kumar Sharma, Advs.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

JUDGMENT

MADHU JAIN, J.

1. The present appeal has been filed by the Appellant under Section 378 of the Code of Criminal Procedure, 1973 (*hereinafter, 'CrPC'*) assailing the impugned judgment dated 24th January, 2018 (*hereinafter, 'impugned order'*) passed by Id. ASJ/Special Judge (NDPS)(West), Dwarka Court, Delhi arising out of **FIR No. 248/2011**, Police Station Dabri.
2. By the impugned order, the accused/Respondents (*hereinafter, 'Respondents'*) Vijay Tyagi (husband of the deceased), Subhash Chand Tyagi (father-in-law of the deceased), Rekha Tyagi (mother-in-law of the



deceased) and Meenakshi @ Monika Tyagi (sister-in-law of the deceased) were acquitted of the charges under Sections 498A/304B/34 of the Indian Penal Code, 1860 (*hereinafter*, 'IPC'), on the ground that the Prosecution had miserably failed to stand on its own footing and to prove its allegations against the Respondents beyond reasonable doubt. The conclusion of the Trial Court is set out below:

“57. From the perusal of contradictions pointed by counsel for accused persons, some different picture emerges and story of prosecution put forward does not hold water and is not trustworthy as there are material points extracted from the testimonies of Pws which disprove the version of prosecution and give benefit of doubt to accused. There are material contradictions in the deposition of star witnesses and as per their deposition, chain and sequence of events are not made out which looses the chain of circumstantial and scientific evidence to convict the accused persons. Since there are several latches in the testimony of Pws on some material points and scientific evidence is also not supporting the case prosecution, hence the prosecution case has miserably failed to stand on its own footing and to prove its allegations against the accused beyond reasonable doubt. Thus on all counts, guilt of accused has not been proved. In the absence of any cogent and reliable evidence, benefit of doubt has to be given to accused. So on all counts, the accused persons i.e. Vijay Tyagi, Subhash Tyagi, Rekha Tyagi and Monika Tyagi are acquitted for the offence U/s 498A/304B/34 IPC.

58. Bail bonds u/s 437 A Cr. P.C. in the sum of Rs.25,000/- has been furnished on behalf of the accused persons which have been accepted and



shall remain in force for a period of six months from the date of its acceptance. Previous bail and surety bond of accused stand discharged. File be consigned to record room.”

Facts

3. The case of the Appellant/State/Prosecution (*hereinafter, 'Prosecution'*) is that on 21st July, 2011, an information was received at Police Station Bindapur *vide* DD No.14B regarding hospitalization of Komal Tyagi (*hereinafter, 'deceased'*) D/o Subhash R/o RZ-161, Indra Park Uttam Nagar, New Delhi in Mata Chanan Devi Hospital. Consequent thereupon, SI Vineet Malik reached the hospital where the attending doctor declared Komal as brought dead *vide* MLC No.3126/11. The concerned Sub-Divisional Magistrate was informed telephonically, and Sh. R.S. Rana (PW-8), Tehsildar/Executive Magistrate, Palam, reached the spot and recorded statement of the deceased's father, Sh. Subhash Tyagi (*hereinafter 'Complainant'*).

4. In his statement, the Complainant (PW-2) deposed that he was residing with his family and had solemnized the marriage of the deceased with Respondent Vijay Tyagi on 11th May, 2011. During the marriage ceremony, the Complainant (PW-2) had given numerous articles by way of gifts, including a Hyundai Accent, Sony LCD TV, Air Conditioner, Washing Machine, LG Refrigerator, Sofa set, and other items, apart from cash amounting to Rs.51,000/-.

5. It is the case of the Prosecution that the Respondents had started demanding dowry even prior to the solemnization of the marriage. The Complainant (PW-2) deposed that he had initially intended to give a Maruti



Alto to the deceased as dowry. However, approximately two months before the date of marriage, Respondent Subhash Tyagi conveyed to the Complainant (PW-2) that a Hyundai Accent should be given instead of the said Maruti Alto. Since the marriage invitation cards had already been distributed, the Complainant (PW-2) was constrained to arrange for the Hyundai Accent.

6. It is further averred that soon after the marriage, the Respondents started harassing the deceased for bringing less dowry and cash. Thereafter, on the request of the deceased, the Complainant (PW-2) gave Rs.1,00,000/- in cash to the Respondent Vijay Tyagi within 10-12 days of the marriage when the said Respondent visited the Complainant's (PW-2) residence.

7. It is further averred that Respondent Meenakshi @ Monika Tyagi, sister-in-law of the deceased, taunted her for having brought a necklace instead of a gold chain and for the car, Hyundai Accent, having been registered in the name of the deceased instead of the Respondent Vijay Tyagi. Whenever the deceased visited her paternal home, she used to be visibly distressed and upon enquiring the reason, she used to cry while narrating the reasons of mental harassment. The Complainant (PW-2) deposed that whenever the son of the Complainant, Prince Tyagi (PW-4), visited the Respondents' residence, he was not permitted to have a conversation with the deceased, his sister, in isolation.

8. Thereafter, on 14th July, 2011, Respondents Subhash and Vijay Tyagi, came to the Complainant's (PW-2) residence along with the deceased and left her there, stating that they would take the deceased back to her matrimonial home only upon payment of Rs.2,00,000/-. On 18th July, 2011,



at around 10:00 PM, the Respondent Vijay Tyagi called on the Complainant's (PW-2) mobile and requested the Complainant (PW-2) to speak with the deceased. The deceased and the Respondent conversed for about one hour, after which the deceased became visibly nervous and started crying. Thereafter, as had been her routine, she went to sleep with her mother on the first floor room of the house. The Complainant (PW-2) and his son (PW-4) were sleeping on the ground floor of the house.

9. On the intervening night of 20th-21st July, 2011, while the deceased was sleeping with her mother, at around 2:30AM, the mother of the deceased (PW-3) asked the deceased to accompany her to the terrace to fill the four water tanks installed on the terrace, however, the deceased refused. It is the case of the Prosecution that upon the deceased's mother returning to the room and placing her feet inside, she felt something wet on the floor and upon switching on the light, she discovered a pool of blood on the floor and found the deceased lying on the bed, with the veins of both her wrists cut and bleeding profusely. She was in visible pain. Upon witnessing this, mother of the deceased (PW-3) started crying and went rushing downstairs to inform the family that the deceased had done something. The Complainant (PW-2) and the family members immediately rushed the deceased to Mata Chanan Devi Hospital, where the attending doctors declared her brought dead. The doctors of the hospital informed the police, who consequently reached the hospital and completed the investigation, whereafter the present case was registered against the Respondents.



10. Ld. Metropolitan Magistrate, after supplying of documents to the Respondents, committed the case to Court of Session *vide* order dated 3rd January, 2012.

11. Upon completion of investigation, a charge-sheet was filed against the Respondents for the offences under sections 498A/304B/34 IPC. *Vide* order dated 7th June, 2012, the Id. Trial Court framed charges against the respondents for the offences punishable under Sections 302/34 and 323/34 IPC. The respondents pleaded not guilty and claimed trial.

Proceedings before the Trial Court

12. During the course of trial, the Prosecution examined 19 witnesses to establish its case. The same has been reproduced hereinbelow:

“PW-1 is SI Shamsheer Singh. He deposed that he was posted as Duty Officer in PS-Bindapur on 21.07.2011 and he received a call from Control Room South West that one lady Kamal Tyagi has committed suicide. Said information was reduced into writing by him vide DD No. 14B and copy of same was Ex. PW-1/A.

PW-2 is Sh. Subhash Tyagi who is complainant in the present matter. He has deposed regarding all the incidents of harassment caused to deceased and demands of dowry raised by accused persons. He proved his statement recorded by SDM as Ex. PW- 2/A. He identified the dead body of her daughter vide memo Ex. PW-2/B.

PW-3 is Smt. Rajni Tyagi who is mother of deceased. She has also deposed in respect of acts of harassment done by accused persons with



deceased Kamal. She proved her statement recorded by SDM as Ex. PW-3/A.

PW-4 is Sh. Prince Tyagi who is brother of deceased. He has also deposed in same fashion as of PW-2 and 3. He deposed that he handed over the marriage invitation card of Komal to police which was seized by the police vide seizure memo Ex. PW- 4/A.

PW-5 is HC Jagdish Prasad. He brought the original record of DD No. 9A dated 21.07.2011 and copy of same was Ex. PW-5/A.

PW-6 is ASI Khazan Singh, In-charge Crime Team. He deposed that he prepared detailed report of scene of crime and handed over the same to ASI Anand Prakash which was Ex. PW-6/A.

PW-7 is HC Bajrang Singh who is photographer from Crime Team. He deposed that he took 8 photographs of spot from different angles and said photographs were Ex. PW-7/P1 to Ex. PW-7/98 and their 8 negatives were collectively Ex. PW-7/9P.

PW-8 is R. S. Rana, Tehsildar cum Executive Magistrate. He deposed that on 21.07.2011, he received a call from the police of PS-Dabri who informed that one lady had committed suicide and on receiving this information, he reached at the spot and found dead body has already been sent to Mata Chanan Devi Hospital and he inspected the spot but no suicide note was found and thereafter he reached at hospital and there he recorded the statement of complainant and his wife and gave direction to police to take further necessary action



regarding investigation and register the case under relevant section. He proved his directions as Ex. PW-8/A, brief facts prepared were Ex. PW-8/B and form-25.35.1(b) i.e. Death Report filled up by him was Ex. PW-8/C, statement of Pramod Tyagi was Ex. PW-8/D and request made by him to Department of Forensic Medicine, DDU Hospital for post mortem of deceased Kamal Tyagi was Ex. PW-8/E.

PW-9 is SI Vineet Malik. *He deposed that on 21.07.2011, he was on emergency duty and on receiving DD No. 14B, he with Ct. Trilochan reached the spot and found that injured had been taken to hospital and since area was falling in jurisdiction of PS Dabri, he informed about the incident to Duty Officer of PS Dabri.*

PW-10 is Sh. Pramod Tyagi who is uncle of deceased. *He has deposed regarding giving of several gifts in marriage of deceased on the demand of accused persons and further deposed regarding harassment caused by accused persons to deceased.*

PW-11 HC Surender Kumar. *He stated that ASI Anand Prakash had seized a blood stained bed sheet from the spot vide seizure memo Ex. PW-11/A, white colour blood stained gown having prints of pink colour was seized vide seizure memo Ex. PW-11/B, one stainless blade of Topaz was seized vide seizure memo Ex. PW-11/C. He further lifted blood, earth control from the spot and seized the same vide a seizure memo Ex. PW-11/D, the jewellery articles of deceased were seized vide seizure memo Ex. PW- 11/E, the pulanda sealed with seal of MCDH was Ex. PW-11/F. He proved*



that after conduction of postmortem of dead body, the doctor handed over sealed viscera, blood gauge and two samples seals to ASI Anand Prakash and same was Ex. PW-11/G.

PW-12 is Ct. Surinder. He deposed that on the instructions of IO, he had taken 8 sealed pulandas with sample seal to FSL Rohini after receiving the same from MHC(M) and deposited the same in FSL Rohini with intact seals and receipt was obtained from FSL and same was handed over to MHC(M).

PW-13 is Dr. B. N. Mishra who conducted the postmortem of deceased. The postmortem report of deceased Kamal Tyagi was Ex. PW-13/A. He deposed that the cause of death in this case was hemorrhagic shock caused by cut down of left radial and ulnar arteries by sharp edged weapon like blade etc.

PW-14 is SI Anand Prakash. He deposed that on 21.07.2017, on receipt of DD No. 9A he with constable Surender reached Mata Chanan Devi hospital where it was reported that Komal Tyagi was brought in unconscious condition by he relatives and she was declared brought dead. He collected the MLC of Komal Tyagi. He had deposed regarding further investigation done in the matter.

PW-15 is SI Sunil Kumar who was Duty Officer and proved the registration of FIR. The copy of FIR was Ex. PW-15/A and endorsement made on rukka was Ex. PW-15/B.



PW-16 is Dr. Iftekharul Haque from Mata Chanan Devi Hospital. He proved authority letter issued by Medical Superintendent as Ex. PW-16/PX, he identified the handwriting and signatures of Dr. Arvind Jalali on MLC Ex. PW-16/A, the casualty card prepared by Dr. Arvind Jalali in respect of deceased was Ex. PW-16/B, the continuation sheet vide which two sealed parcels with sample seal were handed over to ASI Anand Prakash by Dr. Arvind Jalali was Ex. PW-16/C and prescription slip prepared by Dr. Arvind Jalali was Ex. PW-16/D.

PW-17 is Sh. Surjeet Singh, GM Sales from Deep Hyundai. He deposed that during investigation of case, police had taken copy of booking amount receipt, balance payment receipt, order booking form, insurance cover note, retail invoice and RC which were marked as PW-17 /A to PW-17 /F.

PW-18 is Inspector Pravin kumar IO. He proved the site plan prepared by him as Ex. PW-18/A, the arrest memo of accused Vijay Tyagi was Ex. PW-18/B, his personal search was conducted vide memo Ex. PW-18/C, the photograph was Ex. PW-18/D and marriage card was Ex. PW-18/E. Arrest memo of accused Subhash Chand was Ex. PW-18/E1, arrest memo of accused Monika Tyagi was Ex. PW-18/E2, accused Rekha Tyagi was arrested vide arrest memo Ex. PW-18/E3, the reports of FSL were Ex. PW-18/F, Ex. PW-18/G and Ex. PW-18/H and attested copy of DD No. 14B was Ex. PW-18/H1.

PW-19 is Sh. Chander Shekhar, Nodal Officer from Bharti Airtel Ltd. He proved customer application form as Ex. PW-19/A.”



13. The Respondents were examined under Section 313 Cr.P.C. In their statements, the Respondents denied the Prosecution case and claimed false implication in the case. They denied that any family member had made any demand for dowry or cash at any point of time from the deceased or her family members. They further denied having harassed the deceased in any manner at any point of time. They stated that from the circumstances, it was evident that the deceased was murdered by her parents and family members, and that the family members had levelled false allegations against the Respondents to save themselves. They further alleged that the police had acted at the instance of the Complainant (PW-2) as he was employed in the Delhi Police.

14. The Respondents did not wish to lead any defence evidence.

15. The Court heard the submissions of the Id. APP for the State, Id. Counsel for the Respondents and the material on record had been perused.

16. The Prosecution submitted that on the intervening night of 20th/21st July, 2011, the deceased was found lying in a pool of blood with incised wounds measuring 5 cm x 2 cm on the right wrist and 6 cm x 2 cm on the left wrist, which injuries were responsible for her death. The Prosecution further submitted that the deceased had committed suicide merely two months and ten days post marriage, being fed up with the persistent dowry harassment. It was submitted that the Prosecution, by producing several reliable witnesses, has succeeded in proving the guilt of the Respondents beyond reasonable doubt, and that the contradictions in the testimony of material witnesses are minor and natural and do not affect the Prosecution case.



17. On the other hand, Id. Counsel for the Respondents submitted that there are material contradictions in the testimony of the witnesses which go to the roots of the case and falsify the case of the Prosecution. It was further averred that the Prosecution had failed to prove beyond reasonable doubt that there was any demand of dowry or that any amount was paid to the Respondents by the parents of the deceased.

18. It was further argued that the present case is a case of honour killing and that the deceased was murdered by her parents and family members. It was submitted that the Respondents have been falsely implicated by the parents and family members of the deceased by levelling false and vague allegations of demand of dowry and harassment only to save themselves from the case of murder of their own daughter. It was also argued that the Prosecution has miserably failed to prove its case and has even failed to prove the basic ingredients of offences under Sections 498A/304B/34 IPC.

19. Upon perusing the record, the Id. Trial Court found numerous material improvements and contradictions in the testimony of the prosecution witnesses. The Complainant (PW-2) admitted in cross-examination that he knew giving and taking of dowry was an offence, yet lodged no complaint when the alleged demand for a Hyundai Accent was made. The Municipal Corporation of Delhi (*hereinafter* 'MCD') records were summoned, which revealed that the application for booking of marriage venue was submitted on 4th April, 2011 and sanctioned on 28th April, 2011, whereas the Hyundai Accent was booked on 18th March, 2011 as proved by Sh. Surjeet Singh (PW-17). This contradicted Complainant's (PW-2) testimony that he was



compelled to give a Hyundai Accent because marriage cards had already been distributed.

20. The Complainant's (PW-2) house was four-storeyed with tenants on the second and third floors who did not awaken despite cries, whereas Sh. Pramod Tyagi, uncle of the deceased (PW-10) from an adjacent building heard the cries. Complainant (PW-2) admitted his clothes and slippers were blood-stained when he lifted the deceased, yet could not explain who cleaned the blood stains and footprints. Complainant (PW-2) further admitted that neither he nor any family member attempted to stop the bleeding by applying any bandage and failed to provide specific dates of alleged demands or harassment despite the marriage lasting only 2 months and 10 days. The mother of the deceased (PW-3) did not mention the alleged demand for car or payment of Rs.1,00,000/- to Respondent Vijay Tyagi. She admitted giving gold rings to the father-in-law and sister-in-law and earrings to the mother-in-law, which contradicted the allegation that the sister-in-law taunted the deceased about bringing a necklace instead of a chain. She admitted the deceased was wearing all her jewellery when she came home one week before her death and that on the day of incident, neither she nor her husband and son applied any bandage to stop the bleeding. She admitted they lodged no complaint and did not inform the mediator Sudhir Tyagi or any relative about the alleged harassment. Her deposition regarding the Rs.2,00,000/- demand was hearsay as she could not specify when the said demand was made or by which Respondent. The brother of the deceased (PW-4) also failed to support the Prosecution version regarding the alleged demand for car. He introduced a different version that Respondent



Meenakshi @ Monika Tyagi taunted about the chain and ring being of less weight, Respondent Rekha Tyagi taunted about sarees being of less value, and Respondent Subhash stated Rs.1.5 lakhs should have been given. He could not specify any date, month or year of such demands. He admitted the deceased was writhing in pain and semi-unconscious when they reached her room with the light switched on, yet did not remember whether they attempted to bandage her bleeding wrists.

21. Sh. Pramod Tyagi, uncle of the deceased (PW-10) made various improvements from his statement under Section 161 Cr.P.C. and deposed the deceased was using a mobile phone while all other family members denied this fact. He claimed he woke up hearing cries from the adjacent house, whereas tenants in the same house did not awaken. He deposed his sister-in-law had tied cloth on the deceased's wrists, whereas mother of the deceased (PW-3) denied touching the deceased, thus two different versions emerged. Sh. R.S. Rana (PW-8), Tehsildar/ Executive Magistrate deposed there were blood stains on the floor and bedding but no blood-stained footprints in the room or outside, which was not possible if the deceased was carried bleeding from the first floor to the ground floor. He also noted other injuries besides the cuts on both wrists.

22. The Id. Trial Court found that the medical and scientific evidence cast grave doubt on the Prosecution case. ASI Khajan Singh (PW-6), and ASI Anand Prakash (PW-14) admitted the blade was lying "over" the pool of blood, which was inconsistent with suicide as the blade should have been under the blood. Dr. B.N. Mishra (PW-13), who conducted the post-mortem, deposed that injuries No. 1 and 2 were consistent with the time of incident



while injuries No. 3 and 4 were caused 12-24 hours prior to death and could have been caused by beating. Most critically, Dr. B.N. Mishra (PW-13) deposed that after injury No.2, all tendons were cut completely and holding anything in the hand would not have been possible, making it impossible for the deceased to cut both wrists by herself. He further stated that the involvement of a third person could not be ruled out. He also deposed that if bandage had been applied on the bleeding points, the life of the deceased could have been saved. Inspector Pravin Kumar, Investigating Officer (PW-18), admitted in cross-examination that there was no incriminating evidence found against the accused except the statements of the family members. The Id. Trial Court observed that none of the witnesses could specify dates of alleged demands or harassment. The Respondents allegedly demanded Rs.1-2 lakhs cash, yet allowed the deceased to take 34 items of jewellery worth lakhs to her parental home. Neither the Complainant nor any family member called the police despite having mobile phones, nor was any complaint lodged before any authority or the mediator Sudhir Tyagi.

23. The Id. Trial Court held that the Prosecution failed to prove the essential ingredients of offences under Sections 498A/304B/34 IPC as there was no material on record to show that soon before her death, victim was subjected to cruelty or harassment or in connection with any demand of dowry. The oral and medical evidence cast grave suspicion on story of family members of the deceased. No suicide note was found. The witnesses improved their statements and made contradictory depositions. The medical evidence demonstrated that the deceased could not have cut both wrists by herself and the blade appeared to be placed “over” the blood. The



circumstantial evidence chain was broken and uncorroborated. In absence of any cogent and reliable evidence and in view of material contradictions going to root of case, benefit of doubt was required to be given to the Respondents.

24. Consequently, the Respondents Vijay Tyagi, Subhash Tyagi, Rekha Tyagi and Meenakshi @ Monika Tyagi were given benefit of doubt for offences under Sections 498A/304B/34 IPC and the Id. Trial Court acquitted them of all charges. Bail bonds under Section 437A Cr.P.C. in the sum of Rs.25,000/- were furnished and accepted on behalf of the respondents, to remain in force for six months from the date of its acceptance. The previous bail and surety bonds stood discharged.

Submissions on behalf of the Appellant/ State

25. Mr. Bahri, Id. APP submits that the testimonies of Complainant (PW-2), mother of deceased (PW-3), and brother of deceased (PW-4) are consistent, coherent and mutually corroborative regarding the persistent harassment meted out to the deceased over dowry demands made by the Respondents. Complainant (PW-2) has deposed that the Respondents commenced making dowry demands even prior to the solemnization of marriage. Initially, a Maruti Alto was intended to be given, however, approximately two months before the marriage, Respondent Subhash Tyagi demanded a Hyundai Accent instead, which was booked on 18th March, 2011, pursuant to such demand and has been proved by Sh. Surjeet Singh, (PW-17). During the marriage ceremony, numerous articles were given including the Hyundai Accent Car amongst other gifts. Notwithstanding the same, at the behest of the deceased and due to the demands of the



Respondents, Complainant (PW-2) gave Rs.1,00,000/- in cash to Respondent Vijay Tyagi within 10-12 days of the marriage. Sh. Pramod Tyagi, uncle of the deceased (PW-10) has corroborated the version of the family members regarding the dowry demands and harassment suffered by the deceased. Mr. Bahri further submits that Complainant (PW-2) did not lodge any complaint against the Respondents even though he knew that giving and taking of dowry is an offence, he submits, however, women have no voice and to keep daughters happy in their matrimonial home, parents keep on fulfilling demands.

26. Mr. Bahri further submits that once it is established that the deceased died within seven years of marriage and was subjected to cruelty or harassment for or in connection with demand of dowry soon before her death, the Court shall presume under Section 113B of the Indian Evidence Act, 1872 (*hereinafter, 'IEA'*) that the Respondents caused the dowry death. To substantiate his submission, he places reliance upon the Judgment of the Supreme Court in *State of Punjab v. Iqbal Singh, (1991) 3 SCC 1*, wherein the Supreme Court observed that the legislative intent is to curb the menace of dowry deaths with a firm hand. Since crimes are generally committed in the privacy of residential homes and in secrecy, independent and direct evidence is not easy to obtain. Therefore, the legislature introduced Sections 113A and 113B in the IEA to strengthen the Prosecution by permitting a presumption to be raised if certain foundational facts are established and the unfortunate event has taken place within seven years of marriage. If a married woman is subjected to cruelty or harassment for, or in connection with, any demand for dowry immediately preceding death within seven



years of marriage, the husband or relative is deemed to have caused her death and is liable to be punished under Section 304B IPC. In the present case, the death admittedly occurred within two months and ten days of the marriage, the deceased was subjected to harassment for dowry demands and was left at her parental home, and three days before her death, she had a distressing telephonic conversation with her husband after which she became visibly disturbed. He further submits that all ingredients of Section 304B IPC read with Section 113B IEA stand conclusively established on record.

27. Mr. Bahri vehemently submits that the Id. Trial Court has committed grave error in acquitting the Respondents by placing undue emphasis on minor contradictions and discrepancies in the testimony of Prosecution witnesses. The allegations of dowry demand and harassment stand established through the consistent testimony of Complainant (PW-2), mother of the deceased (PW-3), brother of the deceased (PW-4) and Sh. Pramod Tyagi, uncle of the deceased (PW-10). The Id. Trial Court has laid undue emphasis on the fact that the marriage venue booking was sanctioned on 28th April, 2011, whereas the car was booked on 18th March, 2011, and has concluded that the Complainant(PW-2) could not have been compelled to book the car due to distribution of invitation cards. He further submits that this finding is perverse as the *Apnana* ceremony had already been held in February 2011, and the marriage arrangements and negotiations were well underway by March 2011. The demand for upgrading from Maruti Alto to Hyundai Accent was made in this context, and the fact that formal venue booking came later does not negate the demand for dowry.



28. He further submits that the Id. Trial Court has further erred in holding that “*the blade was kept on the blood of pool as per the photographs*”, he submits that the Ld. Trial Court’s observation is inaccurate since blood would not necessarily stick to the stainless-steel blade and might have flowed down. He further submits that the Id. Trial Court has erred in making the observation that absence of blood-stained footprints in the staircase and absence of attempts to bandage the wounds cast doubt on the Prosecution case. He further submits that these are certain circumstances arising from the shock and trauma faced by the family members upon discovering the deceased in a pool of blood, and in no manner prove that the family members have themselves caused the death of the deceased. Mr. Bahri vehemently urges that the Prosecution has successfully established all essential ingredients of the offences under Sections 498A/304B/34 IPC beyond reasonable doubt.

29. On the strength of the aforesaid submissions, Mr. Bahri urged the Court to convict the Respondents, and to set aside the acquittal and convict the respondents

Submissions on behalf of the Respondents

30. *Per contra*, the Id. Counsel on behalf of the Respondents submitted that Pravin Kumar, Investigating Officer (PW-18), in his cross-examination categorically admitted that “*There was no incriminating evidence found against the accused persons in my investigation to link them with the offences except the statement of the family members of the deceased.*” Ld. Counsel submits that the very first specific allegation of Complainant (PW-2), that he was constrained to give a Hyundai Accent instead of a Maruti



Alto because wedding invitation cards had already been distributed is demonstrably false. He submits that the Complainant (PW-2) booked the Hyundai Accent on 18th March, 2011, whereas the venue was booked on 4th April, 2011 and subsequently confirmed by MCD on 28th April, 2011. The ring ceremony took place on 28th April, 2011 and Roka ceremony on 9th May, 2011. The Hyundai Accent was thus booked prior to any ceremonies, and wedding invitation cards could not have been printed before these events. The chronological sequence indisputably establishes that the allegation is utterly false and fabricated. He further submits that Sudhir Tyagi was the mediator who facilitated the marriage and is a relative from the in-laws' side, as has been deposed by the mother of the deceased (PW-3) in her cross-examination dated 12th October, 2012, yet he was never approached regarding alleged dowry harassment nor was he examined by the Prosecution.

31. Ld. Counsel on behalf of the Respondents further submits that the medical evidence demonstrates that the Prosecution story is false and concocted. Dr. B.N. Mishra (PW-13), who conducted the post-mortem examination, deposed that the deceased suffered long and deep incision wounds on both wrists, apart from a bruise and abrasion described as injuries No.3 and 4. Death was due to hemorrhagic shock caused by cutting of left radial and ulnar arteries. Furthermore, injuries No.1 and 2 were consistent with the time of incident, whereas injuries No. 3 and 4 were caused approximately 12 to 24 hours prior to death and could have been caused by beating. Dr. B.N. Mishra (PW-13) further deposed that if bandage/cloth had been applied on the bleeding points, the life of the



deceased could have been saved, but no such effort was made. Ld. Counsel for the Respondents further submits that from the medical evidence, it is proved that, firstly, the deceased was subjected to beating 12 to 24 hours prior to her death in her parental home, resulting in injuries which the Prosecution failed to explain. Secondly, no effort was made by Complainant (PW-2), mother of the deceased (PW-3), brother of the deceased (PW-4) and Sh. Pramod Tyagi, uncle of the deceased (PW-10) to stop the bleeding despite being present at the time of incident. Thirdly, considering the severance of arteries and tendons, it would be physically impossible to inflict the second injury after sustaining the first one in an attempt to commit suicide.

32. Ld. Counsel for the Respondents further submits that the house where death occurred is a four-storey building with tenants on the second and third floors, yet nothing is stated regarding whether they were awakened by alleged cries, whereas uncle of the deceased, Sh. Pramod Tyagi (PW-10) from the adjoining house claims to have heard cries.

33. Ld. Counsel on behalf of the Respondents further submits that Dr. Iftexharul Haque (PW-16), Casualty Incharge of Mata Chanan Devi Hospital, has proved the MLC which recorded that the deceased was brought dead to the Hospital at 3:30 AM on 21st July, 2011. Significantly, the deceased was wearing 34 items of jewellery on her person at the time of her death. Had the Respondents been demanding dowry and harassing the deceased, they would not have allowed her to proceed to her parents' place with all the jewellery. The allegation of demand for Rs.2,00,000/- is utterly



false as the deceased had taken all her jewellery comprising 34 pieces. Had the Respondents been harassing her for Rs.2,00,000/-, they would not have allowed her to proceed to her parental home with all the jewellery. The only plausible explanation is that she was planning to elope with the boy she intended to marry, and sensing the same, the parents who had beaten her up a day prior, resorted to the abhorrent act of honour killing. He further submits that the uncle of the deceased, Sh. Pramod Tyagi (PW-10) stated that the deceased was using a mobile phone. He further submits that the Prosecution claims the deceased did not possess a cellphone, yet it is clear she earlier had a phone taken away to prevent her from speaking to Sonu, whom she desired to marry. He submits that the Respondents are innocent and have been falsely implicated.

34. He further submits that ASI Khajan Singh (PW-6), who visited the spot along with the photographer, after seeing the photograph (Ex. PW7/P8), admitted that the blade was lying “over” the pool of blood. Had the deceased committed suicide, the blade would have been released immediately after slitting the wrists and blood would have covered it. The fact that the blade was lying over the blood demonstrates it was placed there after formation of the pool of blood, which is wholly inconsistent with suicide.

35. On the strength of the submissions led, the Id. Counsel on behalf of the Respondents urge the Court that the present case does not warrant interference with the order of acquittal. The appeal is therefore liable to be dismissed with costs.



Analysis and Findings

36. The Court has considered the matter.

37. It is evident from the record that the deceased was found wearing all 34 items of jewellery on her person, at the time of her death. This fact has been recorded in the MLC and proved by Dr. Iftexharul Haque (PW-16) *vide* the authority letter issued by the Medical Superintendent and has been admitted by Complainant (PW-2), mother of deceased (PW-3), and brother of deceased (PW-4) in their depositions. The relevant portion of the prescription slip prepared by Dr. Arvind Jalali as Ex. PW-16/D is extracted hereinbelow:

28
A
MATA CHANAN DEVI HOSPITAL
C D H
Mata Chanan Devi Hospital
ISO 9001 : 2008 Certified
C-1, Janak Puri, New Delhi-58
Dated 21/07/11 at 3:45
MLC
PRESCRIPTION SLIP
Patient's Name.....Kamari Tyagi 21y/f
CA No. / Ward.....MLC NO-3126
1 Bangles (Gold) - 16 (W 16/18)
2 Bangles (Red) - 2
3 Silver pajeer - 2 ASU
4 Ring (Gold) - 5 Dwaiter
5 Ring (Others) - 8 7/12/16
6 Mangal Suthre - 1
7 chaine (Gold & Locket) - 1
8 Thread (Black) - 1 (26)
9 Nose Ring - 1
10 Eart Rings - 4
11 Eart other things - 3



38. The Prosecution case, as deposed by Complainant (PW-2), is that he had initially intended to give a Maruti Alto in the marriage of the deceased, but was compelled by the Respondents to upgrade to a Hyundai Accent. If this version were true, one would reasonably expect some documentary evidence of the booking or at least the cancellation of the Maruti Alto. However, no such record has been produced or proved on record. More significantly, Complainant (PW-2) has admitted in cross-examination that he had not booked any Maruti Alto car to give in the marriage, which renders the Prosecution case regarding the alleged compulsion to upgrade entirely false. Furthermore, the sequence of events on record completely contradicts this allegation. The Hyundai Accent was booked on 18th March, 2011, whereas the application for booking of the marriage venue was submitted to the MCD on 4th April, 2011 and sanctioned on 28th April, 2011, the same date as the ring ceremony. The Roka ceremony followed on 9th May, 2011, and the marriage invitation cards were printed only after the venue was confirmed. Since the Hyundai Accent was booked before any of the ceremonies and before the invitation cards were even printed, the reasoning given by Complainant (PW-2) that he was compelled to agree to the demand as invitation cards had already been distributed is evidently false. It is impossible that invitation cards mentioning the venue could have been distributed before the venue itself was booked.

39. A further contradiction is apparent from the Prosecution case itself. If the Respondents were making persistent demands for dowry and had left the deceased at her parental home with a demand of Rs.2,00,000/-, this Court is



unable to reconcile that fact with the concurrent allegation that the deceased was permitted to leave her matrimonial home with her entire jewellery comprising 34 items, the cost whereof must run more than 2 lakhs. It is not believable that persons who were allegedly demanding Rs.2,00,000/- in cash would permit the deceased to carry jewellery worth several times that amount to her parental home. This circumstance creates a serious doubt in the Prosecution case.

40. The conduct of the family members of the deceased on the date of the incident is highly unnatural and raises suspicion. The depositions of the Complainant (PW-2), mother of the deceased (PW-3), brother of the deceased (PW-4) and Pramod Tyagi, uncle of the deceased (PW-10) are extracted hereinbelow for ease of reference:

<i>Witness</i>	<i>Statement in Cross- Examination</i>
<i>PW-2</i>	<i>"...When I reached in the room of my daughter Komal (since deceased) the lights of the room were in 'ON' position. We had not tried to stop the bleeding from the wrist of my daughter Komal (since deceased) by applying any bandage etc."</i>
<i>PW-3</i>	<i>"...When I entered the room after coming down from the roof and saw my daughter in a pool of blood, she was alive and was wreathing in pain. I did not touch Komal or do any other thing in the room and immediately run down stairs to inform my husband. MY husband and my son came up stairs. No other person came to our house at that point of time. My husband and my son did not apply any bandage or any cloth to the wounds of Komal in order to stop the flow of blood."</i>



PW-4	<i>“...I did not touch any object in the room. I do not remember whether we tried to bandage the bleeding wrists of Komal.”</i>
PW-10	<i>“...I did not tie anything on the injury over the hands of Komal. My sister-in-law had tied a cloth on the hand.”</i>

41. Mother of the deceased (PW-3) has deposed that upon returning from the terrace at approximately 2:30 AM, she discovered the deceased lying in a pool of blood with the veins of both wrists having been cut. The most natural and immediate reaction of any person upon discovering a family member lying bleeding would be to make every possible effort to stop the bleeding by applying bandage, cloth, or any other available material to the wounds, and simultaneously to call the police and seek medical help. However, despite the presence of Complainant (PW-2), mother of deceased (PW-3), brother of deceased (PW-4) and Sh. Pramod Tyagi, uncle of the deceased (PW-10) at the spot, not a single family member made any attempt whatsoever to apply any bandage, cloth or material to the bleeding wrists of the deceased to stop the flow of blood. Dr. B.N. Mishra (PW-13), has categorically deposed that if the wound be tightly wrapped or bandage or cloth applied on the bleeding points of injury, certainly the life of the deceased could have been saved because of arresting of bleeding. In this case, neither the wounds were covered nor was bandage applied for the purpose of arresting the bleeding. Even a stranger seeing a person bleeding heavily would instinctively try to stop the bleeding. This Court further notes that neither the Complainant (PW-2) nor any family member thought it appropriate to call the police upon discovering the deceased in a pool of



blood, despite having mobile phones in their possession. It was the doctors of the hospital who informed the police. This conduct is completely inconsistent with that of innocent family members who had just discovered their daughter/sister in a state of grave medical emergency and further strengthens the doubt cast upon the Prosecution case.

42. The position of the blade found at the spot is significant and is completely inconsistent with the Prosecution theory of suicide. ASI Khajan Singh (PW-6), in his cross-examination dated 25th September, 2013 has admitted that the blade was lying over the pool of blood and further deposed that it is correct that the blade appears to have been put over the blood. SI Anand Prakash (PW-14), in his cross-examination has also admitted that the blade was lying over the blood. The relevant image Ex. PW7/P8 is set out below for ease of reference:





The Court finds it impossible to explain if the deceased had committed suicide by herself. Had the deceased used the blade to slit her own wrists, the blade would have either remained in her hand or fallen from her hand immediately upon or after the slitting of the wrists, and would consequently have been submerged in or at the very least covered by and smeared with the pool of blood that had formed. The fact that the blade was found lying over the pool of blood has only one explanation, that is, that the blade was placed there after the blood had already pooled. This raises serious doubt about the Prosecution theory of suicide. The relevant portions of the depositions of the witnesses is extracted hereinbelow:

<i>Witness</i>	<i>Statement in Examination in Chief</i>	<i>Statement in Cross-Examination</i>
PW-6	XXX	<p>“...The blade was dipped in pool of blood.</p> <p>Question: I put it to you that the blade was lying over the blood and it was not dipped?</p> <p>Answer: The said blade was smeared with thick clotted blood and it was not possible to lift finger prints from the same.</p> <p>It is wrong to suggest that the said blade was lying over the blood and not fully smeared and lifting of finger prints were possible from the said blade. It is wrong to suggest that I intentionally did not lift the finger prints</p>



		<p><i>from the blade. Now, after seeing the photograph Ex PW7 /P8, witness states that it is correct that the blade was lying over the pool of blood.”</i></p> <p><i>“...It is correct that as per photograph Ex PW7 /P8 of the spot, the blade appears to had been put over the blood spilled over.”</i></p>
PW-14	<p><i>“...One ladies gown was also lying at the spot. One blade of stainless steel was lying in the blood.”</i></p>	<p><i>“...The blade was lying over the blood.”</i></p>

43. The medical evidence in the present case does not support the Prosecution case and raises serious doubts about the true manner of death of the deceased. Dr. B.N. Mishra (PW-13) has deposed in his cross-examination that in suicidal cases, a person typically cuts one wrist depending upon their dominant hand. When asked whether the deceased could have held anything in the left hand after sustaining injury No. 2, he confirmed this would have been impossible, as all the flexor tendons were completely severed, making any finger movement or gripping impossible. Most critically, when asked whether the injuries on both hands could have been self-inflicted under these circumstances, he conceded that the involvement of a third person cannot be ruled out. The relevant portion of



the cross-examination of Dr. B. N. Mishra (PW-13) is extracted for ease of reference:

“Q. In present case, after sustaining the injury No.2, whether the fingers of left hand of the deceased could have held anything?”

A. No. As in the present case, the all tendons (flexor tendons) were cut completely, hence the movement of fingers towards palmer aspect would not have occurred and holding of anything in the hand would not have been possible followed by injury No.2.

Q. In the above circumstances, is it correct that the injuries on the left and right hand cannot be sustained without the involvement of 3rd person?”

A. It is correct that in such circumstances, the involvement of 3rd person cannot be ruled out.

Followed by injury No. 2, if the wounds would be tightly wrapped/bandage/cloth applied on the bleeding points of injury, certainly the life of deceased could have been saved because of ceasing of bleeding. In this case, neither the wounds were covered nor bandage was applied for the purpose of stopping of bleeding.”

44. The meaning of this deposition is clear. The injuries on both wrists were deep, resulting in complete severance of arteries and tendons. The cuts were so deep that all the tendons were completely cut. After sustaining injury No.2, which caused complete severance of all flexor tendons, it would have been physically impossible for the deceased to hold the blade with the injured hand and lift that hand to inflict the injury on the other wrist. The involvement of a third person, based on this testimony, cannot be ruled out and indeed appears probable. This Court further notes that Dr. B.N. Mishra



(PW-13) has deposed that injuries No.3 and 4, described as bruise and abrasion in the post-mortem report, were caused approximately 12 to 24 hours prior to the death of the deceased. These injuries could have been caused by beating. The deceased was at her parental home during this period, and the Prosecution has made absolutely no effort to explain how and by whom these injuries were caused. The burden to explain these injuries was upon the Prosecution, which has not been discharged. The relevant portion of the post-mortem report is extracted as under:

PM NO- 842/11 Dated: 21.07.2011

Pages- 2

(C) GENERAL DESCRIPTION

Clothes worn & Their Condition: Multicolour mixed salwar suit, white bra, brown panty. Clothes stained with blood without any tearing. The body was wrapped by bed sheets which were also smeared with blood.

GENERAL EXAMINATION

- Rigor mortis: Present all over the body.
- Post Mortem Staining: Not significantly developed.
- Condition of eyes: Both eyes partially opened with dry and hazy cornea.
- Mouth/Tongue: Partially Opened.
- Whole body severely pallor due to excessive blood loss.

EXTERNAL EXAMINATION: External Injuries:-

- 1) On incised wound of size 5cm x 2cm x deep to muscle present on the distal 1/3rd part and flexor aspect of right forearm, 6cm above the right wrist joint. The wound appearing slightly spindle in shape and reddish in colour with sharp and regular margin. The wound placed horizontally without any active bleeding. On exploration of the wound the underline tendons found partially cut down without cutting of large blood vessels of the area.
- 2) Two partly placed incised wound of size 6cm x 2cm x deep to muscle each horizontally present at the flexor aspect of left forearm adjacent to wrist joint. Both incised wounds isolated by 0.5cm and presented with tailing towards ulnar side with sharp and regular margins. On exploration the underlined fascia, tendons and large blood vessels (radial and ulnar arteries) found completely cut down. Apart from above mentioned wounds two minor, superficial cut marks of size 2cm x 0.2cm x 0.2cm each present adjacent to injury no. 2 which are appearing wounds of hesitation.
- 3) One bruise of size 4cm x 2.5cm present on the lateral aspect of right thigh with dark red in colour.
- 4) One abrasion of size 3cm x 2cm present on the anterior aspect of right knee with reddish brown in colour.

> INTERNAL EXAMINATION.**A- HEAD**

A- Scalp : Sub scalp Pale.

B- Skull : NAD

C- Brain, Meninges & Vessels: pale.

D- Base of skull: Intact.

11

JK



Note: Blood and viscera preserved in common salt solution for the chemical analysis to rule out any concomitant poisoning along with blood on gauze piece preserved. All exhibit sealed with seal of "DFMT, DDU Hospital" and handed over to concerned police officials.

OPINION:

- 1 The cause of death is due to haemorrhagic shock caused by cut down of left radial and ulnar arteries by sharp edged weapon like blade etc
2. Time since death is approx. 12 hours prior to post-mortem examination.
3. All Injuries are ante mortem in nature and injury no. 1, 2 consistent to time of incident white injury no. 3 and 4 are consistent to 12-24 hours in duration prior to death of deceased. The injury no. 2 was sufficient to cause death in ordinary course of nature.
4. Manner of death is Suicide.
5. TOTAL No. of inquest papers : Twelve (12) papers enclosed with signature.

(Dr. B. N. Mishra)

Medical Officer

Deptt. Of Forensic Medicine

DDU Hospital, Hari Nagar, New Delhi

45. Sh. Pramod Tyagi, uncle of the deceased (PW-10) has introduced an entirely new version that the deceased was maintaining a mobile phone, whereas Complainant (PW-2), mother of deceased (PW-3), brother of deceased (PW-4) have all denied this fact, which suggests deliberate concealment.



46. The Court has examined the depositions of Complainant (PW-2), mother of deceased (PW-3), brother of deceased (PW-4) and Sh. Pramod Tyagi, uncle of the deceased (PW-10) and finds material contradictions, improvements and omissions in their testimonies. Mother of the deceased (PW-3), has not uttered a single word regarding the alleged demand for car nor has she deposed regarding the alleged payment of Rs.1,00,000/- in cash to the Respondent Vijay Tyagi as alleged by Complainant (PW-2). None of the witnesses have been able to specify any particular date, month or year when the alleged demands were made or the alleged harassment was meted out. The marriage lasted only two months and ten days, however, no specific instance of harassment has been clearly placed on record. Furthermore, not a single family member made any complaint before any authority regarding the alleged harassment, nor did they approach the marriage mediator Sudhir Tyagi, who was a relative from the in-laws' side and would have been the most natural person to approach in the circumstances. The non-examination of Sudhir Tyagi as a prosecution witness is a lacuna in the prosecution case. Inspector Pravin Kumar, Investigating Officer (PW-18), has himself admitted in cross-examination that there was no incriminating evidence found against the accused persons in his investigation to link the Respondents with the offences except the statement of the family members of the deceased. In view of the aforesaid, this Court is of the view that the testimonies of the Prosecution witnesses do not inspire confidence and cannot be relied upon to record a finding of guilt against the Respondents.

47. The Court is conscious of the legislative intent behind Sections 498A and 304B IPC read with Sections 113A and 113B of the IEA, which is to



curb the menace of dowry deaths. In *Iqbal Singh* (supra), the Supreme Court observed that since such crimes are generally committed in privacy and secrecy, independent evidence is not easy to obtain. The legislature, therefore introduced Sections 113A and 113B IEA to permit a presumption to be raised if certain foundational facts are established and the death has taken place within seven years of marriage. However, the foundational facts must first be established by the prosecution before any presumption can be drawn. In the present case, the Prosecution has failed to establish the foundational facts necessary to raise the statutory presumption under Section 113B of the Evidence Act. In the case of *State of Uttarakhand v. Sanjay Ram Tamta Alias Sanju Alias Prem Prakash* (2025) 3 SCC 433, it was held by the Supreme Court as under:

“6. Trite is the principle that the appellate courts would be slow in reversing an order of acquittal, especially since the presumption of innocence that is always available to the accused; as a basic principle of criminal jurisprudence, stands reinforced and reaffirmed by the acquittal and unless there are very substantive and compelling reasons to do so, there cannot be a reversal of an order of acquittal. Unless it is found that the findings are perverse and the only conclusion possible from the compelling evidence is of guilt; appellate courts will be slow to reverse an order of acquittal.”

48. In another case of Supreme Court, *Shoor Singh and Another v. State of Uttarakhand* (2025) 2 SCC 815, it was held as under:

“16. When all the above ingredients of "dowry death" are proved, the presumption under Section



113-B⁴ of the Evidence Act is to be raised against the accused that he has committed the offence of "dowry death". What is important is that the presumption under Section 113-B is not in respect of commission of an act of cruelty, or harassment, in connection with any demand for dowry, which is one of the essential ingredients of the offence of "dowry death". The presumption, however, is in respect of commission of the offence of "dowry death" by the accused when all the essential ingredients of "dowry death" are proved beyond reasonable doubt by ordinary rule of evidence, which means that to prove the essential ingredients of an offence of "dowry death the burden is on the prosecution."

49. In both the aforementioned cases, the Supreme Court held that conviction under Section 304-B IPC requires strict proof that soon before death the woman was subjected to cruelty in connection with a specific dowry demand, only then does the presumption under Section 113B IEA arise. As demand and harassment were not proved beyond reasonable doubt, the Court upheld/ordered acquittal, reiterating that mere unnatural death within seven years of marriage does not by itself constitute dowry death.

Conclusion

50. In view of the above, this Court finds that the Prosecution has failed to prove beyond reasonable doubt that the deceased was subjected to cruelty or harassment for or in connection with any demand of dowry soon before her death.



2026:DHC:2092-DB



51. The impugned order of acquittal is hereby upheld and the appeal is dismissed.
52. The Bail Bonds and Surety Bonds of Respondents are discharged.
53. Pending applications, if any, are also disposed of.

**MADHU JAIN
JUDGE**

**PRATHIBA M. SINGH
JUDGE**

MARCH 13, 2026/Av