

IN THE HIGH COURT OF MADHYA PRADESH
BENCH AT INDORE

(SB: Hon'ble Mr. Justice Alok Verma)

MCRC No.2297/2015

Jaydeep S/o Raghuunandan Mehta

Vs.

State of MP and another

Shri Vismit Panot, learned counsel for the applicant.
Smt. Mamta Shandilya, learned counsel for the respondent
No.1/State.

ORDER

(Passed on this 1st day of July, 2015)

This application under section 482 of Cr.P.C. is directed against the order passed by learned Additional Sessions Judge in Cr.R. No.209/2014 dated 27.02.2015 which was directed against the order passed by learned JMFC, Badnavar in Criminal Case No.812/2010 dated 25.08.2014 wherein, learned Magistrate framed charges under section 498-A of IPC and under section 3/4 of Dowry Prohibition Act.

According to the applicant, respondent No.2 Priyanka Mehta is wife of his elder brother Navneet Mehta. Their marriage took place on 24.05.2013 at Badnavar. Immediately after the marriage, they went for their honeymoon and after coming back, she went

back to her parents' house. There, she lodged a report against her husband, mother in law, father in law and present applicant under section 498-A of IPC. The present applicant is younger brother of her husband and according to him, he works at Pune in Capegemini Private Limited and immediately after the marriage, he left for Pune. During their stay at Manali, the complainant came to know that Navneet Mehta was having some relationship with another woman Saziya Sheikh due to which, some dispute arose between them. It is alleged that at Manali also, Navneet Mehta beat her and thereafter, when she came back and complained about husband's relationship with another woman, parents of her husband including the present applicant gave her beating. They also demanded Rs.10 lacs and Car from her parents.

During the arguments, counsel for the applicant submits that the complainant also filed an application under Domestic Violence Act and in that case, present applicant was discharged on the ground that he is not living with the complainant in common household and living separately at Pune. According to him, real dispute between the complainant and her husband is with his relationship with another woman. Omnibus allegations were made against other family members including present applicant, who is living separately. Thus, he prays that charges framed against present applicant be set aside and he should be discharged under

section 498-A of IPC and under section 3/4 of Dowry Prohibition Act.

It is the law that omnibus allegations against the other family members are not sustainable. In the present case, main grievance of the complainant alleged to be relationship of her husband with another woman. The allegation of demand of dowry and beating by present applicant alongwith other co-accused appears to be merely, to implicate other members of the family in this matter. In this view of the matter and specially due to the fact that present applicant is living apart from his family, the application is allowed. The impugned order so far as it relates to the present applicant, is set aside. He is discharged from charges framed under section 498-A of IPC and under section 3/4 of Dowry Prohibition Act.

With these observations, the application stands disposed of.

C.c as per rules.

(Alok Verma)
Judge