



CRR 2807-2023

**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 8th OF NOVEMBER, 2024

CRIMINAL REVISION No. 2807 of 2023

RAVINDRA SINGH

Versus

THE STATE OF MADHYA PRADESH

Appearance:

Shri Mohit Pandya - Advocate for the petitioner.

Shri Raghav Shrivastava – G.A./P.L. for respondent/State.

ORDER

1] Heard.

2] This criminal revision has been filed by the petitioner under Section 397 read with Section 401 of Cr.P.C. against the order of framing charges dated 14.03.2023 passed in S.T. No.511 of 2022 by 17th Additional Sessions Judge, Indore whereby charges under Section 304(B) and 201 of IPC and under Sections 4 of Dowry Prohibition Act, 1961 has been framed against the petitioner.

3] In brief, the facts of the case are that an FIR in the present case was lodged on 12.02.2022, on account of death of Pushpadevi on 03.02.2022, who died within 7 years of her marriage. Apparently a *marg* was initially registered and after the inquiry, the aforesaid FIR was lodged against Ajay Singh, the husband of the deceased, Rajiya



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Bai the mother-in-law; Abhay Singh brother-in-law and Sapna sister-in-law of the deceased. Admittedly, the name of the petitioner does not find place in the FIR. However, during the investigation, his name was surfaced for the first time on 21.02.2022 in the statement of Ramlochan, who is the father of the deceased, who has alleged harassment of the deceased by the other accused persons as also the present petitioner, who is the husband of Sapna, the sister-in-law of the deceased. Similar statements have also been given by the other family members of the deceased.

4] Counsel for the petitioner has submitted that the petitioner is a resident of Bhopal, which is also apparent from his arrest memo that he is the resident of Kolar Colony, Bhopal, whereas his wife, who was pregnant at that time, had come to her parents' house for delivery. Counsel has also drawn the attention of this Court to the statements of the independent witnesses, namely, Vishal, Durga Jadhav, Amra Gurjar and Kavita, who are the neighbors of the husband of the deceased, and have not alleged anything against the petitioner.

5] It is also submitted that although the petitioner is a resident of Bhopal, but he is employed at Vadodara in Nutri Cereals Food Processing Private Limited, Gujarat. His appointment letter dated 01.12.2021, is also filed on record. Counsel has submitted that the petitioner has solemnized love marriage with his wife Sapna through *Arya Samaj*, the certificate of which is also filed on record. Thus, it is submitted that in such circumstances, there was no occasion for the



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petitioner to demand dowry from the deceased or his family members when he himself had solemnized love marriage with his wife without any dowry. Thus, it is submitted that in such facts and circumstances of the case, the charges framed against the petitioner deserves to be quashed.

6] Counsel for the State, on the other hand, has opposed the prayer.

7] Heard. Having considered the rival submissions and on perusal of the case-diary as also the documents filed by the petitioner on record, this Court finds that the name of the petitioner does not find place in the FIR, although the same was lodged after around 9 days of the incident as the date of incident is 03.02.2022, and the FIR has been lodged on 12.02.2022. In such circumstances, it is difficult to perceive that no family member of the deceased would take the name of the petitioner even after 10 days of the incident as, admittedly, his name has surfaced for the first time only on 21.02.2022. Apart from that, the independent witnesses, namely, Vishal, Durga Jadhav, Amra Gurjar and Kavita have also not named the present petitioner as the person who was also residing in the same house along with the other accused persons.

8] In such facts and circumstances of the case, and considering the omnibus nature of allegations levelled against the petitioner by the family members of the deceased, and the fact that he was arraigned as an accused subsequently after around 20 days of the



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incident, and the fact that he is resident of Bhopal, which is also reflected in his arrest memo also, this Court is of the considered opinion that no charge under Section 304(B) & 201 of IPC and under Sections 4 of Dowry Prohibition Act, 1961 can be said to be made out against the present petitioner.

9] Accordingly, the petition stands allowed, and the charges framed against the petitioner vide impugned order dated 14.03.2024 as aforesaid, are hereby set aside and the petitioner is discharged from the charges framed against him.

10] Accordingly, the present criminal revision stands *allowed* and *disposed of*.

(SUBODH ABHYANKAR)
JUDGE

Pankaj