

**HIGH COURT OF MADHYA PRADESH, PRINCIPAL SEAT AT****JABALPUR****(SINGLE BENCH : HON'BLE SHRI JUSTICE ARUN KUMAR SHARMA)****M.Cr.C.No. 6210/2021****Smt. Rajni lodha and three others****Vs.****State of Madhya Pradesh & another**

---

Shri Ajay Kumar Jain, Advocate for the petitioners.

Shri Yogesh Mishra, PL for respondent no. 1 / State.

Shri Sankalp Kochar, Advocate for respondent no. 2 /  
complainant.

---

Whether approved for reporting : (Yes / No).

**ORDER****(23-09-2021)**

This petition under Section 482 of the Code of Criminal Procedure has been filed by the petitioners for setting-aside the proceedings of R.C.T. No. 7306/2020 pending before the court of Judicial Magistrate First Class, Jabalpur under Sections 498-A, 294, 506 read with Sec. 34 of the IPC and Sections 3 / 4 of the Dowry Prohibition Act arising out of Crime No. 20/20 registered in Police Station Mahila Thana, Jabalpur against them.

2. Facts giving rise to this petition, in shorts, are that respondent no. 2 / complainant got married to petitioner no. 2 / husband on 15.6.2019 at Jabalpur according to Hindu rites and rituals and in the marriage the parents of respondent no. 2 had

given luxurious household items and gold ornaments and also given Rs. 25 lacs for Innova vehicle and did magnificent and opulent marriage. Petitioner no. 1 is the mother-in-law and Petitioners no. 3 and 4 are brother-in-law (*Jeth*) and sister-in-law (*Jethani*) of respondent no. 2. They all were residing in the same house at Nathdwara in Rajasthan. When for the first time she had gone to her matrimonial house, all the petitioners blurted out her that her father has given fewer dowries. Petitioner no. 2 is renowned businessman and he deserves for more dowry and on account of dissatisfaction of dowry, all the petitioners started beating and torturing her brutally and demanded Rs.51 lacs more in dowry and expelled her from the house. However, she came back to her parental house and maintained stoic silence but ultimately she divulged the barbaric behavior and savage conduct of the petitioners alleging that oppression level of the petitioners was at the top towards her and they left no stone unturned to tease and disgrace her and all the time she was greeted with jeer in the matrimonial house by the petitioners and it has been tumultuous days for her. The petitioners were firm in their demand and tortured her continuously physically and mentally. Thereafter, on 4.2.2019 respondent no. 2 had given a written complaint to respondent no. 1 at Police station Mahila Thana,

Jabalpur describing her tale of woe and misdeed done by the petitioners with her and her newly born child. She was appalled by the paranoid of the petitioners. On the said report, the matter was sent to Pariwar Paramarsh Kendra, Jabalpur for reconciliation and the dates were fixed for 16.2.2020 and 23.2.2020 for appearance of the petitioners but the petitioners were absent on the aforesaid dates. Ultimately on 25.2.2020 the first information was registered vide Crime no.20/2020 for offences punishable under Sections 498-A, 294, 506 read with Section 34 of the Indian Penal Code and Section 3/ 4 of the Dowry Prohibition Act. On 4.3.2020 the petitioners appeared before the JMFC and the learned Court below has taken cognizance for the alleged offences punishable under Sections 498-a, 294, 506, 34 of the IPC and Section 3 / 4 of the Dowry Prohibition Act.

3. The petitioners have sought quashment of the aforesaid proceedings on the ground that there is no specific allegation against the petitioners with regard to demand of dowry and harassment. Very vague and omnibus allegations have been leveled. In the matrimonial disputes there is a general tendency to implicate all the family members of the husband in a false case. In this case also, all the family members of petitioner no. 2 / husband have been roped without making any specific allegation with

regard to individual act of each petitioners and petitioners no. 1 and 3 and 4 have been falsely implicated because they are near relatives of petitioner no. 2 who is the husband of respondent no. 2. Further submitted that since 25.9.2019 respondent no. 2 is residing at her parental house at Jabalpur and on 27.11.2019 petitioner no. 2 / husband filed an application under Section 9 of the Hindu Marriage Act for restitution of conjugal rights at Additional Session Judge, Nathdwara, District Rajsamand (Rajasthan) and a notice was sent to respondent no. 2 and after receiving the aforesaid notice, she stepped forward by filing written report dated 4.2.2020. Respondent no. 2 on receiving notice under Section 9 of the Hindu Marriage Act, lodged FIR against the petitioners as a counterblast. Hence, the proceedings be quashed.

4. On behalf of respondent no.2 / wife it has been submitted that the petitioners having gloves with each other physically and mentally harassed and tortured respondent no. 2 and treated her with cruelty. Events of ill-treatment started from 5.7.2019 itself and not after receiving the notice of proceedings under Section 9 of the Hindu Marriage Act and therefore, it cannot be said that she filed the complaint as a counterblast. From the material available in the charge sheet, *prima-facie* commission of

offence under Sections 498-A, 294, 506 read with Section 34 of the IPC and section 3 / 4 of the Dowry Prohibition Act are made out against the petitioners and the credibility and truthfulness of the statements of the witnesses are not required to be considered at this stage. Hence, the petition be dismissed.

5. Learned Panel lawyer has also supported the stand of learned counsel for respondent no. 2.

6. In this case learned counsel appearing for the petitioners has placed reliance on several judgments of the Hon'ble Apex Court like **Dineshbhai Chandubhai Patel vs. State of Gujarat and others (2018) 3 SCC 104, Saranya Vs. Bharathi and another in Criminal Appeal No.873/2021 and M/s. Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and others in 330/2021**. Learned counsel has also placed reliance on a judgment delivered by this Court in **Misc. Criminal Case No. 10026/2007 on 12.2.2008 (Parties being Laxman Sahu and another Vs. Smt. Abha Sahu and another)**, in which, the proceedings against relatives of the husband including husband were quashed on the ground that the FIR was lodged only after receipt of the notice of the petition for restitution of conjugal rights. But, the facts of the present case

are different; therefore, the proposition of law laid down in the aforesaid case law is not attracted in this case.

7. Having considered the contentions of learned counsel for both the rival parties and on minute perusal of the record and the FIR as well, this court finds that there are specific and very serious allegations against the petitioners for subjecting the complainant with cruelty physically and mentally since the inception of her marriage itself coupled with demand of dowry. The petitioners used to beat her, due to which, the complainant left her matrimonial house and stayed with her parents. It is admission of the petitioners in the petition itself that they were absent in the reconciliation proceedings held on 16.2.2020 and 23.2.2020. There is no scintilla of evidence to show that the FIR was lodged as a counter blast after receipt of notice under Section 9 of the Hindu Marriage Act. Furthermore, any FIR / criminal proceeding cannot be quashed only on the ground that it was lodged after a receipt of notice. At this stage it cannot be said that there is no evidence against the petitioners.

8. In view of the aforesaid discussions, I do not find any merit in this petition. Consequently, it is dismissed.

9. It is also made clear that the trial Court shall not influence any of the observation made by this Court in this order at the time of final disposal of the case.

**(ARUN KUMAR SHARMA)**  
**JUDGE**

JP/-