
(2018) 07 MP CK 0081

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No..-15844, 15179 Of 2018

Mukesh Yadav

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 10-07-2018

Acts Referred:

Indian Penal Code, 1860 — Section 34, 294, 498A, 506
Hindu Marriage Act, 1955 — Section 9

Citation : (2018) 07 MP CK 0081

Hon'ble Judges : Sushil Kumar Palo, J

Bench : Single Bench

Advocate : S.S. Thakur, C.K. Mishra, R.B. Tiwari

Final Decision : Dismissed

Judgement

Both the petitions arise out of the same crime number therefore, they are being heard analogously and are being decided by this common order.

The prosecution case in brief is that on the report of respondent No.2 Savita Yadav, FIR at Crime No. 285/2018 has been registered at Police Station

Banda, district Sagar, for offences under sections 498-A, 294 and 506, read with Section 34 of the IPC. According to the complainant her marriage

was performed with Mukesh Yadav on 14.05.2015. Petitioner Munna Lal and Smt. Guddi Yadav are father-in-law and mother-in-law of the

complainant. Petitioner Manish Yadav is the brother of Mukesh Yadav. Shulekha Yadav is the wife of Manish Yadav. Petitioner Manisha is the

sister of Mukesh Yadav. After her marriage the complainant was harassed by the accused persons. At the time of marriage father of the complainant

had given sufficient dowry including a double bed sofa. Godrej Almirrah, Fan, Television, Freeze, Cooler, ornaments and utensils. He also given

cash of Rupees 2,00,000/-.

For one year Savita was happy at her matrimonial home. Subsequently, her husband Mukesh, father-in-law Munna Yadav, mother-in-law Guddi Bai,

sister-in-law Manisha (jethani), and brother-in-law Manish (Jeth) started harassing her by demanding more dowry. She was subjected to cruelty. On

23.05.2017, she gave birth to a baby girl but her husband wanted baby boy. He after consuming alcohol used to abuse her with obscene words. On

12.09.2017, the baby girl died and when she came to her matrimonial home, her father was called there and was illtreated and misbehaved. She came

back to her maternal home, as she was thrown out of the matrimonial home. On 12.02.2018, her husband and father-in-law came to her parental

house and abused her by obscene words and criminally intimidated.

On behalf of the petitioners, it is claimed that Manisha sister of Mukesh Yadav is elder to Mukesh Yadav living separately with her husband, at her

matrimonial home prior to the marriage of Savita and Mukesh. It is claimed that she is working as Aganwadi karyakarta at village Barbatu Rahatgarh

since 14.03.2012. Copy of her appointment order has been annexed. It is also claimed that she has nothing to do with any demand of dowry. She has

been falsely implicated in the case just for the reason that she is the sister of Mukesh Yadav. It is claimed that she did not demand any dowry and she

hardly visits the house of her parents.

Regarding her husband Mukesh and other in-laws, it is claimed that the complaint does not disclose the demand of dowry. The complaint is not

specific and the complainant has unnecessarily lodged the report against all the members of the family. It is alleged that on 24.01.2018, the applicant

has filed an application under Section 9 of the Hindu Marriage Act. The respondent No.2 appeared before the Family Court, Sagar on 19.03.2018. She

lodged the report at Police Station Banda on 09.04.2018. Therefore, the complainant is wrecking vengeance.

On behalf of the State, both the petitions are opposed vehemently and contended that the complainant has been harassed and illtreated because of

demand of dowry. At this stage, the complainant's statement and other statements of the witnesses disclose prima facie case for offence under

Section 498-A, 294 and 506 read with Section 34 of the IPC.

On behalf of the complainant/respondent No.2, the applications are opposed

vehemently and contended that the petitioners are responsible for the harassment. On the report of the complainant, FIR has been lodged. Earlier there was a dispute and she had given a written complaint at Police Station, Sagar in the Mahila Thana. A compromise was arrived, wherein the complainants/husband, father-in-law, mother-in-law, sister-in-law(jethani) and brother-inlaw (jeth) have compromised. This contention in the FIR has found support from the complaint filed by the petitioner himself on 13.02.2018. Therefore, it would not be correct to say that the complainant has lodged the report after the petitioner filed application under Section 9 of the Hindu Marriage Act. The complainant earlier filed complaint at Shahgarh (Sagar). After the compromise, she started living with the accused persons. As regarding Smt. Manisha Yadav, it would be suffice to say that, she is the sister-inlaw of the complainant,Â her marriage was performed before the marriage of the complainant and she is living at a different village and serving as Aganwadi karyakarta.

It is a matter of common knowledge that unfortunately the members of the husbandâ??s family are roped in casually, mentioning their names and contents disclose their active involvement. Under these circumstances, it wouldÂ result in abuse of judicial process. Following the law laid down in the cases of Preeti Gupta & another Vs. State of Jharkhand & another reported as 2010 (7) SCC 667 and Geeta Mehrotra & another Vs. State of U.P. & another reported as 2012 (10) SCC 741, the petition filed by Smt. Manisha Yadav M.Cr.C. No. 15179/2018 is allowed.

So far as applicant Manisha Yadav is concerned, the FIR at Crime No. 285/2018, registered against the Manisha Yadav is quashed. So far as, petitioner Mukesh Yadav and others are concerned, the petition is dismissed.