

(2017) 01 MP CK 0224
In the Madhya Pradesh High Court
Case No : 901 of 2016

P.C. SNEHAL CONSTRUCTION COMPANY	APPELLANT
Vs	
MUNICIPAL CORPORATION, RATLAM & ANR.	RESPONDENT

Date of Decision : 17-01-2017

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 397](#), [Section 401](#) - Calling for records to exercise powers of revision - High Courts powers of revision
[Indian Penal Code, 1860](#)

Citation : (2017) 01 MP CK 0224

Hon'ble Judges : S.K.Awasthi

Bench : Division Bench

Advocate : H.K. Shukla, Prakhar Dhengula

Judgement

1. This criminal revision has been preferred by the applicants under Sections 397 & 401 of the Code of Criminal Procedure against the order dated 25.07.2016 passed by Judicial Magistrate First Class-Vidisha in Criminal Case No. 1164/2015, whereby charges for the commission of offences punishable under Sections 498-A, 323, 506 Part-II of IPC has been framed against the applicant No.1 and charge under Section 498- A of IPC has been framed against the remaining applicants.

2. Brief facts of the case are that, the complainant married to applicant No.1- Pramod on 18.02.2014. She lodged a complaint on 28.02.2015, alleging that applicant No.1 and his family members harassed her due to demand of dowry amounting to cruelty. This led to registration of FIR at Police Station Civil Lines District Vidisha bearing Crime No. 98/2015 under Sections 498-A, 323 and 506/34 of IPC & Section

3/4 of Dowry Prohibition Act. After investigation the charge-sheet was filed against the applicant No.1 and his family members which has been registered as Criminal Case No. 1164/2015 before the Judicial Magistrate, First Class Vidisha.

On the basis of charge-sheet, charges under Section 498-A, 323, and 506 Part II of IPC were framed against the applicant No.1 and charge under Section 498-A of IPC was framed against the applicants No. 2 to 8.

3. Background of the case is that the application under Section 9 of Hindu Marriage Act was filed by the applicant No.1 against the respondent No.2, who upon receiving the notice of the same lodged a complaint against all the applicants in order to defeat the proceedings drawn by applicant No.1. However, during the course of counselling before the Police Counseling Center, she admitted the fact that she had lodged a false report under the influence of her family members and she wishes to stay with applicant No.1, although, after residing peacefully for some-time, the respondent No.2 again lodged a complaint against the applicants for no rhyme or reason. Thus, the instant complaint is far from truth and the applicants have been falsely implicated. Learned counsel submitted that applicants No. 2 to 8 are residing separately and have no interference in the family of the husband of complainant. From the statement of complainant and witnesses, it reveals that there was a simple domestic discord between the husband and wife which occurs in

everyone's matrimonial life and can not be named as demand of dowry or harassment.

4. Learned Panel Lawyer for the respondent No.1/State supported the impugned order passed by the trial Court and prayed for dismissal of this revision petition.

5. After hearing both the parties, I have gone through the charge-sheet and it is found that there are allegations against the applicant No.1 and his family members for harassing the complainant which forced her to leave her in-laws house. It appears that the marriage was solemnized between the applicant No.1 and respondent No.2 on 18.02.2014. Within six months of the marriage, the respondent No.2 left the house of applicant No.1 and made a complaint to the S.P., Vidisha against the applicant No.1 alleging that that applicant No.1 and his family members harassed her due to demand of dowry. After that applicant No.1 filed an application under Section 9 of HMA for the restoration of conjugal rights. When respondent No.2 received the notice of the same, she filed complaint, which she later on withdrew stating that under the influence of her parents, she made the complaint and now she will reside in her inlaws house with her husband.

6. On 28.02.2015, the complainant lodged the FIR against the applicant No.1 and his family members alleging that they have demanded Rs. 10 Lakhs in dowry and in furtherance of this demand they have harassed her mentally and physically. On this report, a case was registered against the applicants.

7. From the averments made in the FIR, it can

not be said that even if the allegations are taken as not proved, no case is made out. There are clear allegations against the applicants for harassing the

complainant which forced her to leave the in-laws house. All the applicants are the residents of nearby places in District Vidisha, therefore, it can not be said that they are living at distant places and they are not indulged in the affairs of the family of applicant No.1. The respondent No.2 clearly alleged that the applicants have demanded ten lakh rupees as dowry and for non fulfilling of the same, they have ill treated her. So, there is no strength in the argument that there is no ground for framing the charges against the applicants.

8. In view of above, this revision petition has no substance and is hereby dismissed.