

Ruchi Jain Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Aug-29-2013

Appellant : Ruchi Jain

Respondent : The State of Madhya Pradesh

Advocate for Def. : Shri. Parag Chaturvedi

Advocate for Pet/Ap. : Shri. Sanjay Patel

Judgement :

M.Cr.C.No.8293/2012 M.Cr.C.No.8293/2012 29.8.2013 Shri Sanjay Patel, counsel for the applicant.

Shri Prakash Gupta, Panel Lawyer for the State/respondent No.1.

Shri Parag Chaturvedi, counsel for the respondent No.2.

The applicant has moved a petition under section 482 of the Cr.P.C.to quash the proceeding pending against her before the trial Court relating to crime No.363/2012 registered at Police Station Gorakhpur, District Jabalpur.

The prosecution's case, in short, is that, the respondent No.2 had lodged an FIR against her husband and all family members including the applicant.

The applicant was shown to be a girlfriend of her husband.

It is also alleged against the applicant that she provoked the husband of the complainant to demand the dowry etc. and therefore, a case for offence punishable under section 498-A of IPC and section 3/4 of Dowry Prohibition Act was registered against the applicant.

After considering the submissions made by the learned counsel for the parties and looking to the facts and circumstances of the case, the contention of the learned counsel for the applicant is acceptable that for offence punishable under section 498-A of M.Cr.C.No.8293/2012 IPC, the applicant is not a family member or relative of the husband of the complainant.

The learned counsel for the applicant has placed his reliance upon the judgment passed by Hon'ble the Apex Court in case of Sunita Jha versus State of Jharkhand and another., [(2010) (III) M.P.W.N.Note 97]., in which it is laid that a girl friend or a concubine cannot be a relative under section 498-A of IPC and therefore, such offence cannot constitute against such type of person.

Therefore, the case for offence punishable under section 498-A of IPC cannot be registered against the applicant.

The learned counsel for the respondent No.2 has submitted that such dictum is not applicable for the offence punishable under section 3/4 of Dowry Prohibition Act.

It is true but, after considering the submissions made by the learned counsel for the parties, it would be apparent that the complainant has alleged the status of the applicant to be a concubine and therefore, she never alleged that the applicant went to Mandla along with her husband.

She quoted some incidents (For example, Para 10 of the FIR). it would be apparent that the applicant was not shown to be present in that incident, which took place on 29.12.2011, which clearly indicates that when the complainant was residing with her M.Cr.C.No.8293/2012 husband at Indore, the applicant was not residing in the same house.

Under such circumstances, omnibus allegations are made against the applicant that she provoked the husband of the complainant for demand of dowry etc. but, no

specific date or time is given for that incident.

Certainly, if husband of the complainant is involved with the applicant then, such type of allegations are expected by imagination.

After considering the entire submissions made in the FIR lodged by the respondent No.2, no offence punishable under section 3/4 of Dowry Prohibition Act is made out against the applicant.

not a days, tendency is increasing to implicate all the relatives and friends of the husband in such harassment cases but, it is the duty of the Court to see that an innocent person may not be harassed.

Under such circumstances, looking to the entire evidence etc., prima facie it cannot be said that either offence punishable under section 498-A of IPC or section 3/4 of Dowry Prohibition Act is constituted against the applicant, who is alleged to be a friend of the husband of the complainant.

Under such circumstances, the petition under section 482 of the Cr.P.C. filed by the applicant Ruchi Jain is hereby allowed.

The proceeding M.Cr.C.No.8293/2012 pending against the applicant is hereby quashed.

The trial Court is directed to delete the name of the applicant from the proceeding.

A copy of the order be sent to the trial Court for information and compliance
(N.K.GUPTA) JUDGE Pushpendra

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