



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous (Petition) No. 1675/2024

1. P D Gurjar S/o Ganga Sahay, Aged About 70 Years, Resident Of Behind Sahakari Samiti, Manoharpur, Shahpura, District Jaipur.
2. Smt. Premlata W/o P.D. Gurjar, Aged About 63 Years, Resident Of Behind Sahakari Samiti, Manoharpur, Shahpura, District Jaipur.
3. Siddharth Gurjar S/o P.D. Gurjar, Aged About 34 Years, Resident Of Behind Sahakari Samiti, Manoharpur, Shahpura, District Jaipur.
4. Smt. Ashwani Bharti W/o Rajesh Gurjar, Aged About 35 Years, R/o Near Bus Stand, Gram Harsholav, Tehsil Merta City, District Nagaur.

----Petitioners

Versus

1. State of Rajasthan, through Public Prosecutor
2. Narendra Kumar Bhadana S/o Late Shri Govind Narayan Bhadana., R/o Plot No. 47/24, Kiran Path, Mansarovar, Jaipur.

----Respondents

For Petitioner(s) : Mr. V.R. Bajwa, Sr. Adv., with
Ms. Savita Nathawat,
Mr. Rajesh Mahrshi and
Mr. Yogesh Khandelwal.
Mr. Amar Kumar

For Respondent(s) : Mr. Narendra Singh Dhakar, PP
Mr. Ashok Choudhary &
Mr. Shubham Khuntela for
Mr. Deepak Chauhan

JUSTICE ANOOP KUMAR DHAND

Order

08/04/2026

Reportable

1. The instant misc. petition is listed before this Court in pursuance of the directions issued by the Hon'ble Apex Court in



the case of **Vijay Kumar and Ors. Vs. State of Rajasthan** (Petition for Special Leave to Appeal (Crl.) No. 773/2026, decided on 15.01.2026), wherein the Hon'ble Apex Court observed that in various matters, interim orders have been passed in criminal revision petitions and petitions filed under Section 482 Cr.P.C., as a result of which trial relating to serious offences such as murder, rape, dacoity, dowry death, etc., could not proceed and remained stalled/held up due to the passage of considerable time.

2. Directions have been issued to this Court and other High Courts to take up such like matters which are pending since long, on priority and decide the same expeditiously without deferring the hearings to subsequent dates.

3. By way of filing the instant misc. petition a challenge has been led to the impugned order dated 20.07.2023 passed by the Court of the Additional Chief Metropolitan Magistrate No. 10, Jaipur Metropolitan-I, Jaipur in FIR No. 203/2023 by which cognizance has been taken against the petitioners under Section 498A & 304B IPC and they were summoned through arrest warrants.

4. Aggrieved by the aforesaid order the petitioners have approached the Revisional Court i.e. the Court of the Additional Sessions Judge No.3, Jaipur Metropolitan-I, Jaipur challenging validity of the orders passed by the learned Magistrate, however, the said revision petition was partly allowed i.e., the order relating to summoning the petitioners through arrest warrants was quashed and a direction was issued to summon them by way of summons/bailable warrants.





5. Counsel submits that the FIR lodged by the complainant-respondent against the husband and all the family members resulted in submission of charge-sheet by the Police to the extent of husband of the deceased and the role and involvement of the rest of the family members i.e. the petitioners were not found to be proved, hence, the Final Report (Negative) in their favour was submitted, against which an application under Section 190 Cr.P.C. was submitted by the complainant-respondent (hereinafter referred to as "the complainant") and in result of the same cognizance has been taken against all the petitioners under Section 498A & 304B IPC.

6. Learned counsel submits that marriage of the son of the petitioner Nos.1 and 2 Prasenjit Pratihari was solemnized with daughter of the complainant i.e. Shivani on 11.12.2021. He further submits that the deceased was of modern thoughts and her relationship with the husband was good and cordial, which is also reflected from their mobile chats and even from a letter, written by the deceased. Counsel further submits that the deceased was never harassed or tortured either by the husband or by any other family members. Since, she could not adjust in the family, on account of her modern outlook and attitude, certain differences occurred and the same could not be resolved, a proposal was given to father of the deceased to dissolve the marriage by divorce and this was heard by the deceased and thereafter, she committed suicide out of anger.

7. Counsel further submits that there are no allegations of harassment or demand of dowry, even in the suicide note written by the deceased. He further submits that initially when the suicide





note was sent to the Forensic Science Laboratory (hereinafter referred to as the 'FSL'), her handwriting did not match, but it appears that subsequently, certain documents were sent for re-analysis and this time the handwriting of the deceased matched with that of the suicide note, but even from the perusal of the suicide note, no offence is made out against the petitioners. He further submits that even in from FIR as well as the statements of the complainant and other family members so recorded, the offences punishable under Sections 498A & 304B IPC is not made out, as per the ingredients of the said offences. Lastly, he argued that the petitioner No.4 Smt. Ashwani Bharti, is sister-in-law of the deceased and her marriage was solemnized on 30.11.2012 with one Mr. Rajesh Gurjar and she is presently residing at village Harsholav, Tehsil Merta City, District Nagaur, hence, she has no concern whatsoever, in relation to commission of domestic violence with the deceased by her in-laws where the deceased was residing.

8. Counsel further submits that the sister-in-law was not residing at her maternal home with them and under these circumstances, no offence is made out and the Court below has committed an error in taking cognizance against her and the other petitioners, hence, interference of this Court is warranted.

9. *Per contra* learned Public Prosecutor as well as counsel appearing on behalf of the complainant opposes the arguments raised by counsel for the petitioner and submits that the deceased has passed away under unnatural circumstances within a short span of her marriage and prior to committing suicide, a suicide note was written by her wherein allegations have been levelled





against the petitioners stating that the husband along with the petitioners used to harass her for dowry. Counsel further submits that as per the allegations levelled against the petitioners, by the witnesses in their statements, recorded under Section 161 Cr.P.C., the ingredients of the offence under Sections 498A & 304B IPC are made out and that is why the learned Magistrate has rightly taken cognizance against the petitioners and the revision petition, which has been submitted by the petitioners, has also been rightly rejected by the Revisional Court. Hence, interference of this Court is not warranted and the instant misc. petition is liable to be rejected.

10. Heard and considered the submissions made at the Bar and perused the material available on record.

11. Perusal of the record indicates that marriage of the deceased was solemnized with son of the petitioner Nos. 1 & 2 on 11.12.2021 and she died on 07.03.2023 by suicide by hanging at her maternal home. An FIR was registered by father of the deceased wherein allegations have been levelled against the petitioners as well as husband of the deceased indicating that they had tortured his daughter for demand of dowry, due to which, she committed suicide.

12. When the matter was investigated, a suicide note was recovered and the same was sent to the FSL for analysis and for assessing the hand-writing of the deceased. It is gathered from the documents available on the record, that the contents and the hand-writing on the suicide note, belongs to the deceased. Looking to this factual aspect of the matter, the allegations which have been levelled against the petitioners and the fact that the





deceased has passed away under unnatural circumstances, the correctness of the aforesaid allegations cannot be examined by this Court, at the stage of taking cognizance, while exercising its inherent jurisdiction, contained under Section 482 Cr.P.C. as the defence of the accused-petitioner is not required to be seen and looked into at this stage. Hence, at the stage of taking cognizance, only prima facie case is required to be seen by way of summoning and proceeding against the petitioner Nos. 1 to 3. Sufficient prima facie evidence is available on record to proceed against them. Hence, this Court finds no error in the order impugned to the extent of petitioner Nos.1 to 3, hence, interference of this Court is not warranted. The petitioner Nos.1 to 3 are at liberty to take all the pleas and defence at the appropriate stage of the trial.

13. However, looking to the fact that the petitioner No.4, who is sister-in-law of the deceased & whose marriage was solemnized in the year 2012 and who was residing at her matrimonial home and was not residing at her maternal home at the relevant time, the possibility of her involvement in the alleged offence cannot be ruled out.

14. It is an admitted case and not disputed here that the petitioner No.4 Smt. Ashwani Bharti is sister-in-law of the deceased and her marriage was solemnized way back in the year 2012 i.e., nine years prior to marriage of the deceased with the son of petitioner Nos. 1 & 2. i.e., in the year 2021. Admittedly, the petitioner No.4 is residing at her matrimonial home at village Harsholav, Tehsil Merta City, District Nagaur and she was not residing at her maternal home with the deceased. Therefore, it is somewhat unlikely that she would have demanded the dowry from





the deceased or her parents and would have accompanied his brothers and parents. She had nothing to gain from the case or articles of dowry or the articles alleged to have been given by the parents of the deceased to her husband or her in-laws. Therefore, there would be no good reasons for her to intervene in a matter of dowry and harm and harass her sister-in law (the deceased). Although, it has come in evidence that the petitioner No.4 who also harassed the deceased for demand of dowry, but it is quite unbelievable that she would demand dowry from her sister-in-law. Ordinarily, in matrimonial disputes the women is subjected to physical violence only by her husband or parents-in-law and the married sister-in-law would not join her brother in demanding dowry from his wife.

15. It is a matter of common knowledge that unfortunately matrimonial litigations are rapidly increasing in our country. This clearly demonstrate discontent and unrest in the family life of a large number of people of the society. It is a matter of common experience that most of these complaints are filed in the heat of moment and the relatives of far-relation are also implicated, as accused. It appears that in the instant case also, the sister-in-law (Petitioner No.4) and her husband have been implicated as accused by the parents of the deceased. The Police has not find the role of anyone in the alleged offence except the husband of the deceased. The application under Section 190 Cr.P.C. was submitted by the respondent No.2 for taking cognizance against each one of them, but the Trial Court has not taken cognizance against husband of the petitioner No.4 but has taken cognizance against the petitioner No.4 along with the petitioner Nos. 1 to 3.





Neither the petitioner No.4 nor her husband had any concern in the domestic affairs of the deceased with her husband, parents-in-law and brother-in-law, who were residing with the deceased in her matrimonial home, as the petitioner No. 4 and her husband were not residing with the deceased and they were residing far far away from her matrimonial home. Hence, they had no concern with the alleged incident and offence.

16. This Court is of the considered opinion that the cognizance qua the petitioner No.4 is not sustainable in the eyes of law and the same is liable to be quashed and set aside. This Court deems it just and proper to dispose of the instant petition qua the petitioner Nos. 1 to 3, while granting liberty to them to take all the grounds and available defence, which have been taken by them before this Court, at the appropriate stage of the trial before the Trial Court.

17. With the aforesaid observation and direction, the instant petition stands disposed of. Stay application and all pending application(s), if any, also stand disposed of.

18. This Court deems it just and proper to issue directions to the learned Magistrate to summon the petitioners through summons/bailable warrants instead of summoning them through arrest warrants. In case, the petitioner Nos. 1 to 3 appear before the Trial Court on or before 08.05.2026, they shall be released on bail, after taking personal and surety bonds from each of them, subject to satisfaction of the Trial Court.

19. Before parting with the order, it is made clear that the Trial Court would decide the matter on its merits solely on the basis of evidence led by the parties and it would not be





prejudiced/inhibited with any of the observations made by this Court hereinabove.

(ANOOP KUMAR DHAND),J

Puneet-Shivam/6



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