



CC No. 8653/2017
ST. E Vs. Anil Kumar Sharma
FIR NO 63/2016
PS Chhawla

24.09.2018

Present: Ld. APP for the State.
Accused along with Ld. Counsel

Matter is listed for order on charge.

1. Complainant Smt. Preeti states that she got married to accused on 13.05.2013. She was harassed by her in-laws. After her son was born, the harassment increased because the child had fallen sick soon after his birth and in-laws of complainant could not bear the medical expenditure. Fed up of all this, complainant returned to her parental house but none of her in-laws tried to contact her. Complainant/her family tried to reconcile but to no avail. Finally, her in-laws declared that complainant was *manglik* and accused would die if she comes back.
2. In her statement u/s 161 Cr.PC complainant stated that she did not have any bills of any istridhan or jewellery articles and that she did not want to take her istridhan articles back. Complainant and her parents gave statements that accused and their family members used to demand Rs. 2 Lakhs from her and used to harass her for the same. They all stated that complainant was beaten up on 16.07.2014 and thrown out of the house.
3. Accused filed certified copy of ex parte judgment passed in the petition u/s 12 HMA wherein he was granted divorce on the ground of desertion.
4. Heard. Perused.
5. It is to be noted that complainant did not mention about any demand in her complaint. It was the statements u/s 161 CrPC that mentioned about the demand of Rs 2 lakh for the first time.
6. In this regard, the mediator of the marriage stated that he was informed by complainant that accused Anil always used to demand money from her and beats her for the same. However, this witness neither mentioned when he was told by complainant nor when complainant was beaten up nor when money was demanded from her.

Father and mother of complainant stated that they were informed that all the in-laws, that is, accused, his mother & his sisters demand Rs 2 lakh

Rishi





from complainant.

Complainant stated that accused and his mother used demand Rs 2 lakh from her and on refusal, they started harassing her.

7. None of them mentioned when the demand was made or when complainant was harassed for the same. Further the allegations have been made in a general and omnibus manner against the in-laws also, while the in-laws have not even been chargesheeted in this case. Therefore, one does not know who exactly made the demand and who harassed her.

8. Admittedly, after the delivery of the child, accused brought complainant back home. There is not a whisper that any demand was communicated to the family of complainant or the same was even partly fulfilled by them.

9. It has also been alleged in the statements that complainant was beaten up and thrown out of the house on 16.07.2014, while she specifically states in the complaint that she herself left the house because she was fed up.

10. Accused has obtained divorce on the ground of desertion, that is, it has been held that complainant left the company of accused on 16.07.2014 without justifiable cause. The said judgment was not challenged by complainant and as such, it has attained finality.

11. In so far as the allegations of the offence under Section 406 IPC are concerned, complainant refused to take her articles back. In view of the judgment in the case of **"Onkar Nath Mishra & Ors Vs State (NCTD)"** decided on 14.12.2007 by Hon'ble Supreme Court, offence u/s 406 IPC is not made out. Even otherwise, there is no proof whatsoever in form of bills or photographs to prove even the existence of istridhan articles.

12. The facts of the present case coupled with the judgment passed in divorce case lead to the conclusion that there are not sufficient grounds to frame charge against the accused for any offence.

13. Accused Anil Kumar Sharma is discharged for all offences.

File be consigned to record room.


(Richa Gusain Solanki)
MM/Mahila Court-01
24.09.2018

