

PETITIONER:
SMT. ANITA AND ORS. MRS. MOHINI @ JYOTI

Vs.

RESPONDENT:
STATE OF MADHYA PRADESH

DATE OF JUDGMENT: 08/04/1997

BENCH:
M.K. MUKHERJEE, S.P. KURDUKAR

ACT:

HEADNOTE:

JUDGMENT:

W I T H

CRIMINAL APPEAL NO. 401 OF 1997
(arising out of special leave petition (crl.) No. 1195
of 1997)

J U D G M E N T

S.P. KURDUKAR, J.
Leave granted.

2. These two criminal appeals arise out of an order dated 8th July, 1996 in C.R. No. 159 of 1996 passed by the High court of Madhya Pradesh, Indore Bench and , Therefore, they are being disposed of by this judgment.

3. One Raj Kumar son of Siri Chand was married to Deep @ Sonia (since deceased) on 15th February, 1994. On June 1, 1994, Deepa alleged to have committed suicide and died due to asphyxia. On the very same day, Mohini @ Jyoti the mother of Deepa lodged a complaint with the police station Juni, Indore alleging harassment to her daughter and demand of dowry. An F.I.R was lodged against Siri Chand Bajaj, Naresh Bajaj, Kavita, Mohan, Meera Usha, Anita, Raj Kumar and krishna @ Pushpa. It is alleged in the complaint that the nine accuse persons who are members of the in-laws' family of Deepa were harassing and torturing her (Deepa) for bringing a car and gifts in dowry. it is because of this harassment Deepa hanged herself and as a result thereof, where died due to asphyxia. it is further alleged in the complaint that all these accused persons have committed an offence punishable under sections 304-B/498A/34 of the Indian penal code. After completing the investigation, a charge sheet came to be filed against these accused person in the court of C.J.M , Indore, who committed the case to the court of session for trial. The XIth Add1. Session case no. 97 of 1995 framed charged on 10th April, 1996 against all the accused for offences punishable under section 304-B, 498A/34 of the Indian penal code. Except Raj Kumar son of Siri Chand, remaining eight accused persons filed revision petition before the High court against the order of framing of charges. The learned single Judge of the High court vide its judgment and order dated 28th July, 1996 held that the charge framed against all the accused persons except Siri Chand Bajaj (father-in-law of Deepa) did not suffer from any

illegality. consequently, the High court quashed the charge against Siri Chand son of Nagu Mal and directed the trial court to proceed against other accused persons in accordance with law. It is against this order passed by the High court seven petitioners filed the special Leave petition before this court. This court vide its order dated 2nd December, 1996 dismissed the special Leave petition of four accused persons namely Naresh Bajaj, Mohini Bajaj, Chand Bajaj, Kavita Bajaj and Pushpa Bajaj. However, notice was issued in respect of three petitioners, namely Anita w/o Vasudev Vathwani, Usha w/o Gopal Vachwani and Meera W/o Ramesh Bajaj (petitioners Nos. 5, 6 and 7).

4. Smt. Mohini @ Jyoti the mother of Deepa @ Sonia has also filed a S.L.P against the order of the High court dated 28th July, 1996 whereby the charge against Siri Chand s/o Nagu Mal (the father-in-law of Deepa) was quashed. there is delay in filing SLP and it is condoned. This is how both these appeals arise out of the order dated 28th July, 1996 passed by the High court .

5. We heard the learned counsel for the parties as also the standing counsel for the state of Madhya Pradesh. We have very carefully perused the record and on such perusal, we are of the considered view that the materials appearing thereon is not sufficient for proceeding against these appellants for the charge framed against them under section 304-B, 498A/34 of the Indian penal code. Resultantly, Usha w/o Gopal Vachwani and Meera w/o Ramesh Bajaj shall stand discharged.

6. Coming to criminal Appeal filed by Smt. Mohini @ Jyoti we are of the opinion that the learned High court has committed no error in quashing the charge against Siri Chand S/o Nagu Mal Bajaj, the father-in-law of Deepa.

7. In the result, the criminal Appeal filed by the appellants Anita. Usha and Meera is allowed and the order passed by the courts below framing charge against them is quashed and set aside and they are discharged. criminal appeal filed by Smt. Mohini is dismissed.