

Court No. - 84

Case :- CRIMINAL APPEAL No. - 2656 of 2023

Appellant :- Smt. Lalti Devi

Respondent :- State of U.P. and Another

Counsel for Appellant :- Ashish Dwivedi

Counsel for Respondent :- G.A.,Narendra Singh

Hon'ble Mrs. Sadhna Rani (Thakur),J.

Heard learned counsel for the appellant, Sri Vibhav Anand Singh, learned A.G.A., learned counsel for opposite party no.2 and perused the record.

This is an appeal filed against the order dated 18.06.2022 passed by the Special Judge SC/ST Act, Allahabad in Special Session Trial No.277 of 2022 (State Vs. Shatrughan Singh and others) arising out of Case Crime No.34 of 2022, under Sections 504, 506 I.P.C. and Section 3(2) (va) of SC/ST Act, P.S.- Mahila Thana, District Prayagraj.

By impugned order, the cognizance has been taken against the appellant by the trial court under Sections 504, 506 I.P.C. and Section 3(2) (va) of SC/ST Act.

It is argued by the learned counsel for the appellant that it is a case of live-in relationship where the opposite party no.2, who is a major lady lived with the son of the present appellant in live-in relationship for about seven years and now it is being alleged that Shatrughan Singh, the son of Lalti Devi, the present appellant has solemnized his engagement with another girl. It is also alleged that apart from Shatrughan, the present appellant, is also harassing the first informant by using caste based words, making taunts on the caste of the first informant, and giving various threats. It is also submitted that the allegation is of hurling caste based words on whatsapp and telephone, no place has been mentioned, where these caste based words were uttered, so it cannot be said that the caste based words against the first informant were hurled in the open place within public view. There is allegation of demand of dowry also, so it cannot be said that the first informant was being harassed by using caste based words because of her belonging to the SC/ST community only.

Learned A.G.A. and learned counsel for the opposite party no.2 opposed the prayer. It is submitted by the learned counsel for the opposite party no.2 that in her statement under Section 164 Cr.P.C., the victim has clearly stated that because of her caste she was harassed by using caste based words by the present appellant also. She was being demanded Rs.5,00,000/- as dowry also and in the absence of this payment the first informant was being given the threat of desertion. Thus, the first informant is said to be being harassed by using caste based words by the present appellant. Since 08.12.2022, non-bailable warrants of the appellant are being issued, hence, the prayer is made accordingly.

From the perusal of the record, it is found that it is true that admittedly it is a case of live-in relationship. The first informant and the son of the appellant are said to be living together since last seven years. As per the first informant now the son of the appellant refuses to marry with her. Apart from her son the present appellant also makes taunts regarding caste of the first informant, hurls wild abuses and caste based words against her. The appellant is also demanding dowry from her. Apart from hurling caste based words orally there is allegation that the caste based words are also hurled by mobile phone and on whatsapp, thus, it cannot be said that the caste based words are only uttered through whatsapp or mobile. In the statement of the victim under Section 164 Cr.P.C. there is clear allegation of humiliating the alleged victim by uttering caste based words by the appellant. Through out in the FIR and in the statement of the victim there is allegation of hurling wild abuses and the caste based words because of the victim belonging to the SC/ST community, so in the opinion of the Court, a prima facie case on the basis of the evidence on record can be said to be made out against the appellant under Sections 504, 506 I.P.C. and 3(2) (va) of SC/ST Act.

Hence, the cognizance order dated 18.06.2022 does not suffer from any infirmity. This Court finds no ground to interfere in the order impugned.

The appeal is **dismissed**, accordingly.

Order Date :- 17.10.2023

Radhika