

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 60 of 2017**

1. Sheshmani Prasad Sahu S/o Late Sukhai Ram Sahu, Aged About 57 Years R/o Village Maanpur, Police Station Patna, District Koriya Chhattisgarh
2. Rabindra Kumar Sahu, S/o Shri Sheshmani Sahu, Aged About 26 Years R/o Village Maanpur, Police Station Patna, District Koriya Chhattisgarh
3. Ram Naresh Sahu, S/o Late Sukhai Ram Sahu, Aged About 45 Years R/o Village Maanpur, Police Station Patna, District Koriya Chhattisgarh
4. Smt. Nisha Sahu, W/o Ram Naresh Sahu, Aged About 35 Years R/o Village Maanpur, Police Station Patna, District Koriya Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Police Station Ramanujnagar, District Surajpur Chhattisgarh
2. Balkrishna Sahu @ Lallan Sahu, S/o Dharammeet Sahu, Aged About 37 Years R/o Sumerpur, Police Station Ramanuj Nagar, District Surajpur, Chhattisgarh.

---- Respondents

For the Petitioners : Shri Sandeep Yadav, Advocate.

For the Respondent No.1/ State : Shri Lav Sharma, PL.

For the respondent No.2 : Shri Shakti Raj Sinha, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order on Board****29.08.2017**

1. Heard.
2. It is submitted by the learned counsel for the petitioners that on complaint made by respondent No.2, FIR has been lodged against the petitioners in P.S- Ramanuj Nagar, (Shri Nagar) District- Surajpur, C.G. for the offence under Section 498 A of the

Indian Penal Code, and Section 3 and 4 of Dowry Prohibition Act, 1961. After completion of investigation, petitioners have been charge-sheeted for the offence under Section 3 and 4 of Dowry Prohibition Act, 1961. It is submitted that the marriage of daughter of respondent No.2 with petitioner No.2 was negotiated and after the agreement of both the parties, the marriage was to be performed in the year 2016. It is alleged that in between, the petitioners demanded a car in dowry and made it clear that if the demand is not fulfilled, then marriage will not be performed. Hence, the marriage of daughter of complainant could not be performed petitioner with No.2.

3. It is submitted by the learned counsel for the petitioners that marriage was never performed between the daughter of the respondent No.2 and petitioner No.2, hence, the prosecution of petitioners is totally abuse of process of law.
4. The learned counsel for the State opposed the submission made by the learned counsel for the petitioners and the grounds raised in the petition. Learned counsel for the respondent No.2 has adopted the arguments submitted by the State Government,
5. I have heard the learned counsel for the parties and perused all the document placed on record.
6. The dowry is defined in Section 2 of the Dowry Prohibition Act, 1961 which reads as under :-

“ Section – 2. – In this act, dowry means any property or valuable security given or agreed to be given either directly or indirectly--

- (a) by one party to a marriage to the other party to the marriage; or
 - (b) by the parents of either party, to a marriage or by any other person, to either party to the marriage or to any other person,
- at or before or any time after the marriage in connection with the marriage of said parties but does not include dower or mahr in the case of persons to whom the Muslim Personal Law (Shariat) applies”.

7. It is clear from the reading of the definition of “dowry” that demand made by the party to the marriage at or before or any time after the marriage, is covered under the definition of dowry, which is punishable under Section 3 and 4 of Dowry Prohibition Act, 1961.
8. Hence, for these reasons, the material in the charge sheet against the petitioner does not appear without any substance. Consequent to these findings, this petition does not deserve to be allowed. Hence, this petition is dismissed at the motion stage.

Sd/-

(Rajendra Chandra Singh Samant)
Judge