

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
NAGPUR BENCH, AT NAGPUR.**

**CRIMINAL APPLICATION (APL) NO.448 OF 2017**

(Rakesh s/o Santosh Khullar and others ..vs.. State of Maharashtra, through PSO, PS Ballarsha and another)

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

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Shri B.D. Bhoyar, Counsel h/f. Shri M.P. Kariya, Counsel for the  
applicants,  
Smt. K.S. Joshi, Addl.P.P. for non-applicant No.1.  
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**CORAM : P.N. DESHMUKH AND  
ROHIT B. DEO, JJ.**

**DATED : 05-03-2019**

Shri B.D. Bhoyar, learned Counsel holding for Shri M.P. Kariya for applicants requests to keep back the matter. Record reveals that repeatedly application is adjourned on the request of Counsel holding for Shri M.P. Kariya since he was not present. On directing learned Counsel holding for Shri M.P. Kariya to argue the matter he expressed his inability to advance submissions. In that view of the matter, we have perused the report along with statement of complainant Rohini Kullar where from specific case is made out thereby attracting ingredients of offence punishable under Section 498-A read with Section 34 of the Indian Penal Code as well as of Sections 3 and 4 of the Dowry Prohibition Act.

2. Applicants 1 and 2 are in-laws while applicant No.3 is husband of complainant. On perusal of contents

of report and on perusal of her statement would reveal that after marriage of complainant with applicant No.3 at Bhopal on 30-4-2013, there was matrimonial discord on the count of monetary demand as well as demands for ornaments, and Honda City Car made by applicants which were further continued. There is also reference to demand of Rs.10,00,000/- (Rupees Ten Lakh) and threats extended to complainant on failure to satisfy the same.

3. Statement of complainant is corroborated by her parents and other relations of the complainant namely Meena Amarjeetsingh Dua, Madhu Surendrakumar Dua, Amarjeet Singh Durgadas Dua, Surendrakumar Durgadas Dua and others. We also note that from the allegations made in the report as well as from the statement of complainant demand is made by applicants at Ballarsha and accordingly report is found to be rightly lodged where offence is committed. In that view of the matter, we find no substance in the case of applicants on the point of territorial jurisdiction as raised in the application. From the affidavit-in-reply, we even note that the conduct of applicants before the trial Court is also not up to the mark as it is stated that applicants are absent before the learned trial Court on one or other reasons and are not cooperating for completion of trial.

4. Having considering the documents filed with the

charge-sheet, we thus find that on 23-12-2013 respondent No.2 lodged report with respondent No.1 claiming that all the applicants have committed offence for which they are charge-sheeted. We further note that respondent No.2 in her report as well as from the statements of witnesses recorded during the course of investigation elaborately narrated the sequence of events when the demands were made by applicants to her as well of threats extended to her for non fulfillment of their demands and about dropping her back to her parental home for non-payment of Rs.10,00,000/- (Rupees Ten Lakhs). In the report, complainant has also specifically stated about gold, ornaments and articles as well as of cash amount demanded by applicants. Her statement also established physical and mental ill-treatment and cruelty provided to her at the hands of applicants. In that view of the matter and of specific incident dated 10-6-2013 on which date applicant No.1 for non-fulfillment of his monetary demand since is prima facie found to have dropped complainant to her parental home and since has extended threats to take her back only on satisfying his demand of Rs.10,00,000/- (Rupees Ten Lakhs) to purchase of Honda City Car, no case is made out for quashing of charge-sheet.

5. In the circumstances and having considering the material evidence available against the applicants, no case is made out for quashing of charge-sheet.

Application is, therefore, dismissed.

JUDGE

JUDGE

*adgokar*