



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APL) NO. 862 OF 2022

1. Meena @ Kalpana w/o Kamlakar Bharti
Aged about 42 years, Occ.: Household,
R/o. Pauni Ward No.2, Dhabetekdi,
District – Gondia
2. Jyoti w/o Praful Giri
Aged about 35 years, Occ.: Household,
R/o. Plot No.66, Pahune Layout Pili Nadi,
Uppalwadi, Nagpur
District – Nagpur.
3. Nitendra s/o Fattu Puri
Aged about 41 years, Occ.: Private,
R/o. Post Rewral Th. Mauda,
Rajoli, Rewral, Dist. - Nagpur.



... Applicants

Versus

1. State of Maharashtra,
Through the Police Station Officer,
Police Station Brahmapuri,
District – Chandrapur
2. Rasika w/o Daulat Giri
Aged about 30 years, Occ. Household,
Mu. Nevdi, Post Salwa,
Tahsil Kuhi, District – Nagpur .



... Non-applicants

Mr. P.S. Tiwari, Advocate for applicants.

Mr. Amit Chutke, APP for non-applicant No.1.

CORAM : VINAY JOSHI, AND
SMT. VRUSHALI V. JOSHI, JJ.
DATE : 17.04.2024

ORAL JUDGMENT: (PER: Vinay Joshi,J)

Heard finally by consent of both the learned counsel for the parties.

(2) Admit.

(3) This is an application seeking to quash charge-sheet bearing Sessions Case No.32/2021 arising out of Crime No.369/2019 registered with Police Station Brahmapuri, District – Chandrapur, for the offence punishable under Sections 304-B read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act. It is informed that yet the trial Court has not framed charges. The non-applicant No.2 though served chooses to remain absent.

(4) The applicants are nearer relatives of husband who claims that in absence of any material they have been falsely implicated in the crime. The applicant Nos.1 and 2 are married sisters of husband who are residing elsewhere whilst the applicant No.3 is husband of one another married sister, who is also residing separately. According to the applicants, they have no concern with the matrimonial dispute or the alleged harassment, if any, however, being the relatives of husband, they have been falsely implicated. The State

resisted this application by contending that the informant stated about the applicants' act of joining rest in raising monetary demand.

(5) The deceased married lady committed suicide by consuming poison on 26.04.2019. After ten days from the incident, sister of deceased namely Rasika has lodged report with the police. It is her case that deceased Shradha/Monu got married with co-accused Sumant Puri on 10.05.2015. Soon after the marriage, husband of deceased namely Sumant started to insist deceased to meet unlawful monetary demand. The father of deceased has complied initial monetary demand but, later on, shown his inability to fulfill the demand. The informant stated that deceased used to convey her about the harassment meted out by her husband. She stated that on 25.04.2019 deceased telephonically said that her husband, in-laws and other relatives are raised monetary demand of Rs.80,000/- (Rs. Eighty Thousand only).

(6) We have examined the First Information Report as well as the entire material collected during the course of investigation. The police have recorded statement of the informant Rasika on 05.05.2019. It discloses that the entire allegations of monetary

demand are centered around the husband of the deceased only. In her statement, she never said that on 25.04.2019 other family members also joined husband of the deceased in raising a monetary demand of Rs.80,000/- (Rs.Eighty Thousand Only). We have examined the statement of the father of deceased namely Nepal however, he never stated anything regarding the role of the present applicants. The other statements does not specify any particular role but besides a generalized conclusion, there is nothing against the applicants.

(7) It reveals that the applicants are distant relatives staying elsewhere since long. In order to constitute the offence of dowry death it requires to be established that soon before the death the lady was harassed to meet unlawful demand. There is no material to indicate that in proximity applicant had any active role. Rather the material conveys that the allegations of demand are against the husband and at the most in-laws. Considering the entire material, it is evident that no *prima facie* case is made out against the applicants who are distant relatives of the deceased. In the circumstances, the continuation of trial against them amounts to abuse of the process of Court.

(8) In view of above, application is allowed. We hereby quash and set aside the criminal prosecution namely Sessions Case No.32/2021 arising out of Crime No.369/2019 registered with Police Station Brahmapuri, District – Chandrapur, for the offence punishable under Sections 304-B read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, as regards to the applicants namely - 1. Meena @ Kalpana w/o Kamlakar Bharti, 2. Jyoti w/o Praful Giri and 3. Nitendra s/o Fattu Puri.

(9) The application stands disposed of accordingly.

[VRUSHALI V. JOSHI, J.]

[VINAY JOSHI, J.]

Prity