

FIR No. 146/12

PS: Nanakpura

07.05.2016

Present Ld. APP for State.
All accused except Namrata alongwith Mr Ashok
Tobria, Id counsel (in morning).

Exemption application filed on behalf of accused
Namrata by her counsel. Heard. Allowed for today.

Complainant Deepali states that she got married to
accused Gaurav on 16.02.2010 and within few days of marriage,
accused Ramesh (FIL) and Santosh (MIL) demanded dowry like car,
money and furniture. Accordingly, complainant's father gave them
furniture, cash, almirah but they were not satisfied. Accused
Namrata (SIL), Santosh and Ramesh started harassing the
complainant by not giving her food, beating her etc. She alleges that
Gaurav used to take her to her parental house where complainant's
parents used to counsel him but once he used to come back to the
matrimonial house, he would change under the influence of his
parents. She alleges that Gaurav once pushed her from running
bike. She also alleges that Santosh took all her gold, clothes and
hid them. She did not return despite several requests. Complainant
alleges that her in-laws/Namrata threw her out of the house but few
days later Gaurav took her back. However, they sent her back to the
parental house where Gaurav used to come for meals and working
on computer. He would say that he is not in good terms with his

parents/his sister and will separately with complainant. She alleges that Gaurav used to abuse her on the phone under the influence of his parents for dowry. She states that Gaurav and Santosh are under depression and during college days Gaurav was treated for depression. She states that Gaurav used to take sleeping pills and forced her to take the same. She states that Gaurav used filthy language for her family. Once when she was selected for IGNOU's P.G. Course, he told her to get Rs. 1,20,000.- which was given by her father. Even Ramesh gave her beatings and repeated the demand. Complainant states that Gaurav used to do obscene acts in front of web camera on his computer. She states that Gaurav used to threaten her and her family and therefore, her brother got registered complaint dated 02.06.2010 at PS Vikaspuri.

During investigation Gaurav handed over some articles belonging to complainant to her.

In her statement under Section 161 Cr.P.C., complainant reiterated the allegations made in the complaint and stated that after one or two days of marriage, Santosh had taken her jewellery for safe keeping but when complainant demanded it on Diwali, 2010 she refused.

Heard. Perused.

Complainant states that all the accused used to harass her for dowry and her parents in law made demand of car, money and furniture. However, either in her present complaint or in her

previously filed dozens of complaints, she does not mention what exactly was demanded by whom and when. The only specific allegation of demand is that Gaurav and Ramesh told her to get Rs. 1,20,000/- when she got admission in a PG course. This incident is clarified in the statement of her brother Chirag where he states that complainant was told to get Rs. 1,20,000/- for her studies from her parents. This refusal of accused to bear the course fee cannot be understood as an unlawful demand for property within the meaning of Section 498A IPC.

In so far as the allegations of the offence U/s 406 IPC are concerned, complainant states that Santosh took all her articles and hid them. She did not return those articles, despite requests. However, it is not mentioned if complainant had entrusted these articles to Santosh, which is sine qua non to attract Section 406 IPC. Although complainant has improvised in her statement u/s 161 Cr. P.C by stating that Santosh had taken for safe keeping and later refused to return it, this statement does not inspire confidence. This is because complainant states that she demanded her jewellery on Diwali of the year 2010 while admittedly she had stayed in the matrimonial house only for two months after her marriage in February 2010. The chain of complaints had already started in June, 2010 and therefore, there was no occasion for complainant to have requested for her jewellery on Diwali, which falls in October or November.

It is trite that where the material placed before the Court disclose grave suspicion against the accused, the Court will be fully justified in framing a charge and proceeding with the trial. If two views are equally possible and the Court is satisfied that the evidence produced gives rise to some suspicion but not grave suspicion against the accused, the Court must discharge the accused.

The chargesheet does not give rise to a grave suspicion against any of the accused and as such accused Gaurav, Santosh, Ramesh and Namrata are discharged for the offence u/s 498A /406/34 IPC.

They are directed to furnish PB/SB in the sum of Rs 10,000/- under Section 437A Cr.PC.

Put up for furnishing of bonds on 27.05.2016 at 2:00 pm.

(Richa Gusain Solanki)
MM/Mahila Court-01
07.05.2016