

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PRANAY VERMA

ON THE 19th OF MARCH, 2024

MISC. CRIMINAL CASE No. 13735 of 2022

BETWEEN:-

.....PETITIONER

(BY DEEPTANSHU SHUKLA - ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH STATION
HOUSE OFFICER THROUGH POLICE STATION
PALASIA, INDORE (MADHYA PRADESH)

2.

.....RESPONDENTS

(BY SHRI V. PANWAR, P.L. FOR RESPONDENT NO.1/STATE)

(MS. ARCHANA MAHESHWARI, LEARNED COUNSEL FOR THE
RESPONDENT NO.2.)

.....
*This application coming on for admission this day, the court passed the
following:*

ORDER

1. This petition under Section 482 of the Cr.P.C has been preferred by the petitioner / accused for quashment of FIR No.83/2022 dated 24/2/2022 registered at police station Palasia, District Indore for the offences punishable under Sections 506 and 294 of the IPC and all proceedings subsequent thereto.

2 . As per prosecution on 24.2.2022 a report was lodged by the complainant/respondent No.2 to the effect that she was married to the petitioner on 11/3/2012 at Indore and is having a child also from the wedlock who is presently aged 5 years. In 2017 differences arose between her and the petitioner due to which she started residing along with her son in her parent's house. The proceedings for custody of child are pending before the Family Court, Indore where she goes along with her son on every Friday for him to meet the petitioner. When she goes over there the petitioner abuses her and threatens her with life and says that she should give money to him then only he would divorce her. The petitioner also calls her at night over the phone and troubles her. Whenever he meets her in any party of a friend he threatens her with life and demands money as a result of which she is quite harassed.

3. On the basis of the FIR lodged by the complainant, investigation was commenced by the police during the course of which statements of respondent No.2 and other witnesses were recorded and the relevant documents were collected. After completion of the investigation charge sheet has been filed by the police before the Court concerned.

4. This petition has been preferred by the petitioner on the ground that the allegations as levelled against him are wholly malafide, false and made up solely for the purpose of implicating him since there are matrimonial disputes pending between the parties. Wholly omnibus allegations have been levelled by respondent No.2 and no specific overt act has been stated. No date has been mentioned in regard to any of the incident. No statement of any witness has been recorded to prove the said fact. It is hence submitted that the FIR registered against the petitioner be quashed.

5. Per contra, learned counsel for the respondent No.1 as well as learned

counsel for respondent No.2 have submitted that there is sufficient material available on record to proceed with against the petitioner and it cannot be said that the allegations levelled by respondent No.2 are omnibus in nature. The petitioner meets his son in Court but he wants divorce from respondent No.2 due to which he has been abusing and threatening her and has been demanding money. It is hence submitted that the petition deserves to be dismissed.

6. I have considered the submission of the learned counsel for the parties and have perused the record.

7. The petitioner and respondent No.2 had got married about 12 years ago and are also having a child from out of the wedlock. They have been residing separately since past 7 years and proceedings before the Family Court as regards custody of their child are pending where the petitioner has been permitted to meet him. Though respondent No.2 has alleged that the petitioner abuses her, threatens her and demands money from her for divorce in the Court as well as in any party of friends but it is obvious that no specific allegations in that regard have been levelled. No date, time or place of the incident has been narrated by respondent No.2. Even the period when the said occurrences may have happened has not been stated. Abstract statement has been given by respondent No.2 as regards the acts of the petitioner.

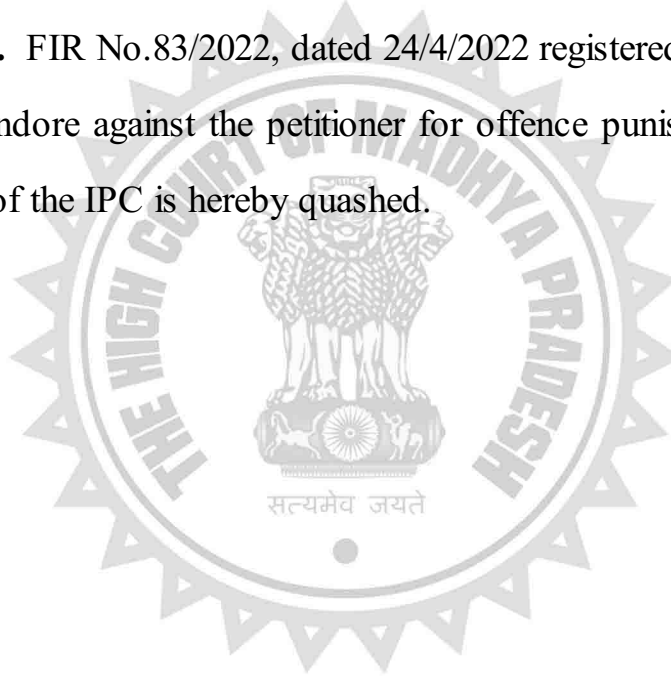
8. From the relations as are presently existing between petitioner and respondent No.2 it is apparent that the FIR has been lodged by respondent No.2 only for implicating the petitioner in one another legal proceeding besides the proceedings which are already pending between them. It is on that count that no specific allegations have been levelled by her and only omnibus allegations have been made.

9. Even otherwise, the parties are still legally married to each other and though it is stated that proceedings for divorce are pending, but no decision thereupon has been given. The possibility of an amicable settlement between the parties in future is a reasonable probability. However, as long as proceedings such as the present one continue to remain pending between them, there animosity towards each other would not be lessened in any manner and if proceedings like the present one are terminated it would facilitate chances of a settlement between them.

10. As a result, the petition deserves to be and is accordingly allowed.

11. FIR No.83/2022, dated 24/4/2022 registered at police station Palasia, District Indore against the petitioner for offence punishable under Section 506 and 294 of the IPC is hereby quashed.

SS/-



(PRANAY VERMA)
JUDGE