

MHLA120029352023 	<u>ORDER BELOW EXH.21</u> <u>(Dated 21/05/2026)</u> <u>(Application under Section 239 of Code of Criminal Procedure)</u>
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The present application is filed by Accused Nos. 1 to 5 under Section 239 of the Code of Criminal Procedure seeking discharge from offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

02. The accused contended that, the complainant filed a complaint under section 498A,323,504,506 read with section 34 of IPC against accused. Complainant alleges dowry harassment by her husband and in laws after her marriage on 27/11/2020 and subjected her to physical and mental abuse. Despite her parents intervention she was expelled without her gold ornaments. Her husband later assaulted her at her maternal home and threatened to kill her. The complaint does not disclose the specific dates, time and specific alleged incidents against accused. The allegations are false and motivated, filed after divorce proceedings and to take revenge against accused.

03. There are material contradictions regarding amount of demand Rs.1,00,000 – Rs.2,00,000. No specific dates, acts, or roles attributed to accused Nos. 2 to 5. No medical evidence of assault. Accused Nos. 2 to 5 were not

residing permanently with the complainant. FIR is counterblast to divorce proceedings. Learned counsel for accused submitted that allegations are false, omnibus and motivated due to matrimonial dispute. It is submitted that there are contradictions regarding amount allegedly demanded and no medical evidence is produced. It is further submitted that accused Nos.2 to 5 were residing separately and are falsely implicated. Hence, they prayed for discharge of accused No.1 to 5.

04. The Ld. APP filed his say on the back leaf of the application and contended that, the FIR lodged by complainant specifically discloses that after initial period of 2 to 3 months, accused persons started harassing her physically and mentally. It is specifically alleged that accused persons demanded amount of ₹1,00,000/- for digging borewell in agricultural land and subjected her to cruelty on account of non-fulfillment of said demand. The FIR further reveals that accused persons abused the complainant on trivial reasons, assaulted her and drove her out of matrimonial home. It is also alleged that thereafter accused No.1 visited her parental house, assaulted her and threatened to kill her if monetary demand was not fulfilled. Hence, he prayed for rejection of application.

05. Heard learned Advocate for accused and learned APP for State. Perused charge-sheet, FIR and documents on record.

06. Perused application, say filed on it and record it appears that, the chargesheet filed for the offences punishable under section 498A, 323, 504, 504 read with section 34 of IPC. At the stage of discharge under Section 239 Cr.P.C., Court is not expected to meticulously appreciate evidence or conduct mini trial. Now it is settled law that, while considering discharge application, Court has to see whether prima facie case exists and not whether prosecution will ultimately succeed. At the stage of framing charge, if strong suspicion exists regarding involvement of accused, Court is justified in proceeding against accused. Truthfulness and admissibility are matters for trial. In matrimonial offences, FIR must be read as a whole and not dissected sentence by sentence.

07. In the present case, FIR contains specific allegations regarding, demand of ₹1,00,000/- from the complainant's parents, allegations of continuous physical and mental harassment, specific overt acts attributed to husband and relatives, threats and assault allegations, allegation that accused persons collectively drove the complainant out of matrimonial home, mention of ornaments and monetary disputes, continuous course of conduct after marriage. Therefore, FIR has specific allegations of unlawful demand of money, physical and mental harassment, assault, abuse and threats. Whether allegations are ultimately proved or not is matter of trial.

08. The contradictions pointed out by accused and absence of medical evidence are matters requiring appreciation of evidence after full-fledged trial. At this stage, this Court cannot undertake detailed scrutiny of defence material produced by accused. The material collected during investigation, particularly FIR and witness statements, prima facie disclose ingredients of offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of IPC. Upon overall consideration of charge-sheet material, this Court finds sufficient grounds for presuming involvement of accused no.1 to 5 in alleged offences. Therefore, this Court is of opinion that case is not fit for discharge. Application is devoid of merits. Hence, following order.

ORDER

01.	Application filed by accused Nos.1 to 5 under Section 239 of Cr.P.C. stands rejected.
02.	Matter be kept for framing charge.

Place :-Nilanga.
Date : 21/05/2026.

(Smt. K. P. Gade)
Judicial Magistrate First Class,
(Court No.2) Nilanga.