

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 1274 of 2023

Dhananjay Mehta, aged about 39 Years, S/o -Vindeshwary Mehta,
R/o -Village -Sigsigi, P.O.+P.S. -Rahla, District -Palamau.

.... Petitioner

Versus

1. The State of Jharkhand
2. Puja Kumari, W/o -Dhananjay Mehta, R/o -Village+P.O. -Sigsigi,
P.S. -Rehla, District -Palamau.

Presently residing at C/o -Kuldeep Kumar Mahto, R/o -Village -
Sonehara, P.S. -Dandai, District -Garhwa, Jharkhand.

.... Opp. Parties

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners	: Mr. Binod Singh, Advocate
For the State	: Mr. Shailesh Kr. Sinha, Addl. P.P.
For the O.P. No.2	: Mr. Sanjay Kumar Pandey, Advocate

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By the Court:-

1. Heard the parties.
2. This criminal miscellaneous petition has been filed invoking the jurisdiction of this Court under Section 482 of the Code of Criminal Procedure with a prayer to quash the entire criminal proceeding arising out of Complaint Case No. 887 of 2022 including the order taking cognizance of the offences punishable under Section 498A of the Indian Penal Code read with Section 3/4 of the Dowry Prohibition Act, as well as issuance of summon against the petitioner dated 03.02.2023, passed by the learned Judicial Magistrate -1st Class, Garhwa.

3. The allegation against the petitioner is that the petitioner being the husband of the complainant-opposite party no.2 treated the complainant with cruelty from June 2020 to 31.11.2021, 05.05.2022 and 16.06.2022, in connection of demand of dowry and demanded the dowry of Rs.5,00,000/-. When the father of the complainant could not meet the said demand, the petitioner harassed the complainant by torturing her physically and mentally and the complainant was told that till the demand is not met, she will be treated like that. There is direct and specific allegation against the petitioner that on 29.04.2022 at 02:00 P.M., the petitioner assaulted the complainant and snatched away all her jewelleries worth Rs.2,00,000/- and drove the complainant out from his house with their minor daughter. There is also allegation against the petitioner that on 16.06.2022, the petitioner entered the house of the complainant and abused her in filthy language and assaulted the complainant. When the witnesses tried to save the complainant, the petitioner threatened the family members of the complainant to kill them with the aid of Naxalites. On the basis of the complaint, statement of the complainant on solemn affirmation and the statement of the inquiry witnesses, the learned Judicial Magistrate -1st Class, Garhwa found sufficient ground to proceed against the petitioner for having committed the offences punishable under Section 498A of the Indian Penal Code and under Section 3/4 of the Dowry Prohibition Act.

4. It is submitted by the learned counsel for the petitioner that the allegation against the petitioner is false. Earlier the petitioner faced trial vide G.R. Case No. 457 of 2015 for the offences which took place between 09.03.2015 to 12.03.2015 and was acquitted vide judgment dated 06.12.2024, passed in the said G.R. Case No. 457 of 2015 by the learned Additional Chief Judicial Magistrate, Palamau at Daltonganj. In support of his contention, the learned counsel for the petitioner relies upon the Judgment of Hon'ble Supreme Court of India in the case of **Manish Ratan and Ors. Vs. State of Madhya Pradesh**, reported in (2007) 1 SCC 262 wherein the Hon'ble Supreme Court of India in the facts of that case held that the offence involved in that case cannot be said to be a continuing one only because the complainant was forced to leave her matrimonial home and stayed with her parents at different place. Hence, it is submitted that the prayer as prayed for by the petitioner in this criminal miscellaneous petition be allowed.
5. The learned Addl. P.P. and the learned counsel for the opposite party no.2 on the other hand vehemently opposes the prayer as prayed for by the petitioner in this criminal miscellaneous petition and submits that the G.R. Case No. 457 of 2015 corresponding to Rehla P.S. Case No. 09 of 2015 is in respect of a separate and distinct offence, which was committed between 09.03.2015 to 12.03.2015 at Rehla whereas the occurrence of this case took place between June 2020 to 31.11.2021, 05.05.2022 and 16.06.2022 at the paternal house of the complainant in the district of Garhwa. It is

next submitted that there is direct and specific allegation against the petitioner that the petitioner made a dowry demand of Rs.5,00,000/- and for non-fulfilment of the same, treated the complainant with cruelty by harassing her, by assaulting her unnecessarily, in order to make her meet the illegal dowry demand of Rs.5,00,000/-, made by the petitioner. Hence, it is submitted that there is no justifiable reason to quash the entire criminal proceeding only because the petitioner has been acquitted in an earlier case for a separate and distinct offence. Hence, it is submitted that this criminal miscellaneous petition being without any merit be dismissed.

6. Having heard the submissions made at the Bar and after going through the materials available in the record, it is pertinent to mention here that as rightly submitted by the learned Addl. P.P. and the learned counsel for the opposite party no.2 that offence for which the petitioner faced the trial vide G.R. Case No. 457 of 2015 is a separate and distinct offence, which took place in the year 2015. The offences and occurrences involved in this case took place between the year 2020 to 2022 in the paternal house of the complainant in the district of Garhwa. The undisputed fact remains that there is allegation against the petitioner that the petitioner demanded dowry of Rs.5,00,000/- and because of non-fulfilment of the same, harassed the complainant by assaulting her to pressurize her to meet the said illegal dowry demand of the

petitioner; to coerce her to meet the said unlawful demand of the petitioner.

7. This Court after considering the direct and specific allegation against the petitioner of harassing the complainant with a view to coerce her to meet the unlawful demand of Rs.5,00,000/-is of the considered view that this same amounts to treating the complainant with cruelty, which is sufficient to constitute the offence punishable under Section 498A of the Indian Penal Code and the demand of dowry is sufficient to constitute the offence punishable under Section 4 of the Dowry Prohibition Act. Therefore, this Court do not find any justifiable reason to quash the entire criminal proceeding as prayed for in this criminal miscellaneous petition.
8. Accordingly, this criminal miscellaneous petition being without any merit is dismissed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 10th July, 2025
AFR/Sonu-Gunjan/-