

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 6263/2019

1. Harishanker Purohit S/o Shri Ramgopal Purohit, aged about 65 Years, R/o 4/5, V.H.B. Colony, Ratan Lal Plot, Akola, Maharashtra.
2. Smt. Urmila Purohit W/o Harishankar Purohit, aged about 62 Years, R/o 4/5, V.H.B. Colony, Ratan Lal Plot, Akola, Maharashtra.

----Petitioners

Versus

1. State of Rajasthan, Through PP.
2. Smt. Ritika Purohit W/o Shri Ghanshyam Purohit, D/o Shri Jugal Kishore Purohit, R/o H.no.27, Laxmi Colony, Opposite Laxmi Mandir Cinema, Jaipur, Raj.

----Respondents

For Petitioner(s)	:	None present
For Respondent(s)	:	Mr. Jitendra Singh Rathore-PP Mr. Narendra Singh Dhakar-PP

JUSTICE ANOOP KUMAR DHAND

Order

16/03/2026

1. By way of filing the instant petition, a challenge has been led to the impugned order dated 08.07.2014 passed by the Additional Chief Metropolitan Magistrate No. 11, Jaipur by which cognizance has been taken against the petitioners for the offence under Sections 498-A and 406 IPC.
2. Aggrieved by the aforesaid order, the petitioners approached the Revisional Court i.e. Additional Sessions Judge No. 10, Jaipur Metropolitan by way of filing a revision petition, however, the same was also rejected vide order dated 01.08.2019. Hence, the

petitioners have approached this Court by way of filing the instant petition assailing both the impugned orders.

3. The grounds taken in the instant petition by the petitioners indicate that the FIR registered by the complainant-respondent was resulted in a Final Report (Negative) against which a protest petition was submitted by the complainant-respondent and thereafter, cognizance was taken against the petitioners for the above stated offences.

4. It has been averred in the instant petition that once the police has not found any involvement of the petitioners in the alleged incident then there was no reason or occasion available with the Trial Court to take cognizance against the petitioners. Apart from above, an additional ground has been taken by the petitioners that the husband of the complainant i.e. Ghanshyam submitted a divorce petition against the complainant-wife before the Family Court, Akola and the same has been partly allowed vide judgment and decree dated 23.08.2019 and the marriage of the parties has been dissolved. Taking into account the aforesaid plea, hence, under these circumstances, no case is made out against the petitioners and the entire proceedings arising out of the impugned FIR be quashed.

5. Per contra, learned Public Prosecutor opposes the arguments made in the instant petition.

6. Heard and considered the submissions made at Bar and perused the material available on record.

7. A Perusal of the impugned orders indicate that the allegations of dowry demand, harassment and torture have been levelled against the petitioners, apart from the other co-accused

Ghanshyam, who is the husband of the complainant-respondent. This fact is not in dispute that the Final Report (Negative) has been submitted in the instant case, against which a protest petition has been filed by the complainant-respondent. After considering the material available on record and the reasons mentioned in the Final Report, cognizance has been taken by the learned Magistrate vide order dated 08.07.2014. The said order has been further upheld by the Revisional Court vide order dated 01.08.2019.

8. It is settled proposition of law that at the time of taking cognizance, only prima facie case is required to be seen and any meticulous examination of the prosecution evidence is not required to be adjudged at the initial stage. The petitioners are not entitled to get the benefit of divorce decree which was passed by the Family Court at a later stage i.e. on 23.08.2019. At this stage, cognizance is required to be seen. The defence of the accused is not required to be seen at this stage, hence, this Court finds no error in both the impugned orders passed by the Courts below and the present petition is liable to be and is hereby rejected.

9. However, the petitioners would be at liberty to take all the grounds and defence which have been taken before this Court, at the appropriate stage of the trial.

10. Accordingly, the present petition stands dismissed. Stay application and all pending application(s), if any, also stand dismissed.

(ANOOP KUMAR DHAND),J