

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1863 OF 2017

(Arising out of SLP(Crl.)No.3565 of 2017)

VANDANA CHAVAN

Appellant(s)

VERSUS

THE STATE OF MADHYA PRADESH & ANR.

Respondent(s)

O R D E R

Leave granted.

We have heard the learned counsel for the parties.

Respondent no.2 is the wife of Mr. Anil Kaithwas and she was married to him on 30.04.2015. It appears that this matrimonial alliance has not been successful. According to respondent no.2 (complainant), she was maltreated and there was demand of dowry by her husband and relatives. Based on these allegations, the complainant has registered an FIR against her husband, mother-in-law, elder brother as well as the appellant herein namely, Vandana Chavan. Insofar as appellant Vandana Chavan is concerned, it is alleged that she has adopted Anil Kaithwas and she is also the person who has maltreated. Case of the appellant, on the other hand, is that she is the land lady and Anil Kaithwas is her tenant. It is further stated that she came to Indore to assist their wedding, otherwise, she has no legal relationship with the

husband of the complainant. It is accepted by the complainant that appellant is not the natural mother of Anil Kaithwas and, in fact, natural mother is Kusum Bai, who is also made one of the accused persons in this FIR. Insofar as the appellant is concerned, case of the complainant is that she has adopted Anil Kaithwas and in this capacity. It is treated that she is his mother.

Learned counsel for the complainant has submitted that in the application for anticipatory bail preferred by the appellant in the Court of Additional Sessions Judge, it is accepted that Anil Kaithwas was her adopted son.

On the other hand, learned counsel for the appellant has produced before us a copy of the judgment dated 15.12.2016 passed by the Judicial Magistrate, First Class, District Mahu, Indore. This order was passed in the application filed by the complainant under the provisions of Protection of Women from Domestic Violence Act, 2005. In that petition also, complainant had impleaded the appellant as respondent no.2. By the aforesaid order, the learned Judicial Magistrate has dismissed the application qua appellant on the ground that merely because she was treating Anil Kaithwas as her son, would not be a ground to hold that she is the mother of Anil Kaithwas as no such relationship, in law, has been established. Learned counsel for the respondent could not point out that as to whether any appeal was preferred against the aforesaid judgment.

In view thereof, we are of the opinion that FIR under Section 498-A of the IPC, the appellant could not be impleaded as the accused person.

This appeal is, accordingly, partly allowed in the aforesaid terms and the proceedings arising out of said FIR stands set aside qua the appellant.

Pending application(s), if any, shall stand disposed of.

.....J.  
(A.K. SIKRI)

.....J.  
(ASHOK BHUSHAN)

NEW DELHI;  
OCTOBER 27, 2017.

ITEM NO.48

COURT NO.6

SECTION II-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 3565/2017

(Arising out of impugned final judgment and order dated 02-12-2016 in MCRC No. 905/2016 passed by the High Court of M.P. at Indore)

VANDANA CHAVAN

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH &amp; ANR.

Respondent(s)

WITH

SLP(Cr1) No. 4261/2017 (II-A)

(IA 42121/2017 -FOR EXEMPTION FROM FILING O.T.)

Date : 27-10-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI

HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s) Mr. Mayank Pandey, Adv.  
Mr. Akashdeep Shukla, Adv.  
Mr. Shivraj Gaonkar, AOR

For Respondent(s) Mr. Rajul Shrivastav, Adv.  
Mr. K. Krishna Kumar, AOR

Mr. Naveen Sharma, Adv.  
Mr. Mishra Saurabh, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

SLP(Cr1.)3565/2017

Leave granted.

We have heard the learned counsel for the parties.

The appeal is partly allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

SLP(Crl.)No.4261/2017

Let the copy of this petition be supplied to the learned counsel for the respondent.

Reply, if any, be filed within a period of four weeks.

Interim order to continue, in the meantime.

List after four weeks.

(SAPNA BISHT)  
SENIOR PERSONAL ASSISTANT  
(Signed order is placed on the file)

(MALA KUMARI SHARMA)  
COURT MASTER