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**IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE**

**BEFORE  
HON'BLE SHRI JUSTICE PRANAY VERMA**

**ON THE 7<sup>th</sup> OF MAY, 2024**

**MISC. CRIMINAL CASE No. 31998 of 2023**

**BETWEEN:-**

**RAJESH KUMAR LIMBAD S/O RAMJI BHAI, AGED  
ABOUT 62 YEARS, OCCUPATION: RETIRED R/O B-22  
PARAS PART 1, NEAR TELEPHONE EXH BOPAL,  
AHMEDABAD (GUJARAT)**

**.....PETITIONER**

***(BY SHRI ROHIT SHARMA - ADVOCATE)***

**AND**

- 1. THE STATE OF MADHYA PRADESH STATION  
HOUSE OFFICER THROUGH POLICE STATION  
KANADIYA DISTT. INDORE (MADHYA PRADESH)**
- 2. ASHLESHA LIMBAD W/O BRIJRAJ LIMBAD, AGED  
ABOUT 31 YEARS, OCCUPATION: NOT KNOWN A-  
83 COUNTRY WALK COLONY, JHALARIA  
KANADIA, INDORE (MADHYA PRADESH)**

**.....RESPONDENTS**

***(BY SHRI RAJESH JOSHI - GOVT. ADVOCATE FOR RESPONDENT NO.1)***

***(BY SHRI VIVEK SINGH - LEARNED COUNSEL FOR THE RESPONDENT  
NO.2.)***

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

**ORDER**

1. By this petition preferred under Section 482 of the Cr.P.C. the petitioner / accused has prayed for quashment of FIR No.282/2023, registered at police station Kanadia, District Indore for offence punishable under Section 498-A of the IPC and under Section 3/4 of the Madhya Pradesh Dowry

Prohibition Rules, 2004.

2. As per the prosecution, on 14/4/2023 a report was lodged by the complainant / respondent No.2 to the effect that on 9/12/2020 she had been married to Brajraj Limbad at Ahmedabad in Gujarat. In the marriage adequate amount of dowry was given by her father. After a few days of the marriage she had gone along with her husband to USA. After six months, in July, 2021 her husband started saying that she does not work and earn anything and her father has given quite less dowry in the marriage and he cannot take care of her. She said that she can given an examination but he said that since her father has not given anything in dowry he cannot bear the expenses of her examination. He asked her to get a sum of Rs.1.00 Crore from her father. He kept on pressurizing her for the same. In April, 2022 when she along with her husband returned to Ahmedabad her father-in-law, the petitioner, asked her as to till when she would live on the income of her husband and told her that she should work and if she cannot work she should get a sum of Rs.1.00 Crore from her father so that his son can take care of her because her father has not given anything by way of dowry in the marriage. Thereafter her husband and father-in-law started harassing her mentally for dowry. She went back to USA along with her husband and in June, 2022 the petitioner came over there to live with them and there also he and her husband continued to harass her by raising demands of dowry. Due to the harassment suffered by her, she returned to her parents house in August, 2022 at Indore. Her husband stated that if she wants to come back to USA she should get a sum of Rs.1.00 Crore from her father. Her father tried to persuade her husband and the petitioner but they did not listen and have continued to raise demand of dowry from her and her father.

3. On the basis of the report lodged by the complainant, the FIR was registered and investigation was commenced during the course of which statements of witnesses were recorded and documents were collected and the petitioner has been implicated for the offences as aforesaid.

4. This petition has been preferred by the petitioner on the ground that the allegations as levelled against him in the FIR are absurd and inherently improbable. There is no sufficient ground for proceeding against the petitioner. The FIR is an abuse of the process of law. It has been lodged with malafide and malicious intention for wrecking vengeance upon the petitioner. The essential ingredients of the offences for which the petitioner has been charged are not made out in the matter. Complainant herself is a doctor and the expenditure of her studies was incurred by her husband. She was always very well taken care of. The complainant has not even resided for a period of more than two months with the petitioner since the time of her marriage. There has never been any allegation of harassment by her during that period. The FIR is a mere after thought for harassing the petitioner. It is hence submitted that the same deserves to be quashed. Reliance has been placed by the learned counsel for the petitioner on the decision of the this Court in ***Rajan & Anr. V/s. State of Madhya Pradesh & Anr. 2023 SCC Online MP 2391*** and ***Anita Rai V/s. State of M.P., 2022 SCC Online MP 1289***

5. Per contra, learned counsel for the respondent/State as well as the learned counsel for the complainant have submitted that there is sufficient material available on record against the petitioner and specific allegation has been levelled by the complainant against him in view of which the petition deserves to be dismissed.

6. I have considered the submissions of the learned counsel for the

parties and have perused the record.

7. In her report lodged with the police as well as in her statement recorded under Section 161 of the Cr.P.C the complainant has levelled specific allegations against the petitioner. She has categorically stated that when she had come back along with her husband to Ahmedabad in April, 2022 the petitioner had asked her to get a sum of Rs.1.00 Crore from her father stating that she is not earning and she should earn and cannot live on her husband's earnings. He said that she is living off his son and if she cannot earn she should get a sum of Rs.1.00 Crore from her father and that he had not given anything by way of dowry during the marriage. The complainant has stated that the petitioner as well as her husband thereafter harassed her on numerous occasions by raising demand of dowry. In June, 2022 the petitioner had come to USA to live along with her and her husband and there also he continued to harass her by raising demand of dowry. Eventually not being able to bear the harassment she came back to her parents house at Indore in August, 2022.

8. The statement of the complainant prima facie does not appear to be an attempt by her to implicate all the family members of her husband. Specific allegation has been levelled by her against the petitioner who is her father-in-law. She has not tried to rope in any other family member of her husband. The complainant has given the time period *ie.*, the months in which the demand of dowry was made by the petitioner from her. It hence cannot be said that the allegations levelled by her are lacking in specifications. She was living along with her husband at USA and has returned to live with her parents at Indore. A married woman would not do the same without any justifiable reason and at the present stage it can be safely presumed that she did so on account of

harassment having been meted out to her by raising demands of dowry. The marriage of the complainant took place in December, 2020 whereas the FIR has been lodged in April, 2023. It cannot be said that the same is delayed and no adverse inference can be drawn against the complainant for not lodging the same at a prior point of time.

9. The documents as have been brought on record by the petitioner along with this petition in the shape of photographs and bank account statements cannot be considered at this stage and on their basis the allegations as levelled by the complainant cannot be discarded all together.

10. In view of the statements of the complainant and the entire material available on record, in my opinion, there does appear to be prima facie material to proceed with against the petitioner and it cannot be said that the proceedings launched by the complainant against him are wholly false and frivolous. Under such circumstances, the judgments relied upon by the learned counsel for the petitioner do not help him in any manner.

11. As a result of the aforesaid discussion, I do not find any merit in this petition which is accordingly dismissed.

**(PRANAY VERMA)**  
**JUDGE**

SS/-