

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

BEFORE

HON'BLE SHRI JUSTICE GURPAL SINGH AHLUWALIA

ON THE 3rd OF MAY, 2024

MISC. CRIMINAL CASE No. 45545 of 2023

BETWEEN:-

BHARTI PATEL]

.....PETITIONER

(BY SHRI BHEEM CHOUDHARY - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH
THROUGH POLICE STATION BEOHARI
DISTRICT SHAHDOL (MADHYA PRADESH)**
- 2. BHAGWAN SINGH**

.....RESPONDENTS

(SMT. SWATI ASEEM GEORGE – DY. GA FOR RESPONDENT NO.1/ STATE)

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

ORDER

- 1. This application under Section 482 of Cr.P.C. has been filed seeking the following reliefs :-**

“It is, therefore, humbly prayed that the Hon’ble Court may kindly be pleased to quash the FIR vide Crime No.360/2022 registered by P.S. Beohari, District Shahdol an offence under Sections 452, 323 & 294 of I.P.C. & further be pleased to discharge the applicant from all charges as mentioned above, in the interest of justice.”

2. It is submitted by counsel for the applicant that the complainant who is a practicing lawyer has falsely lodged an FIR that by forcibly entering inside the chamber he was assaulted by the applicant. It is submitted by counsel for the applicant that 9 days prior to the incident in question, she was beaten by the complainant and accordingly, the FIR was lodged. It is submitted that by way of counter blast, a false FIR has been lodged.
3. Considered the submissions made by counsel for the applicant.
4. The facts of the case disclose a very sorry state of affairs. It appears that one case No. Misc. Criminal Case No.172/2021 was pending before the Court of JMFC, Beohari, District Shahdol. In the said case on 31.12.2022, applicant started raising hue and cry and threw her one year old child in the court room itself by alleging that he is the main cause of trouble and threw a paperweight towards her child by saying that today she would kill him. However, paperweight fell on the floor by passing near temporal region of the child, as a result he survived, otherwise, he would have died and accordingly, on the report lodged by the Court, FIR No.774/2022 was registered at Police Station Beohari, District Shahdol for offence under Section 307 of IPC. Similarly, a notice to the applicant has also been issued under Section 12 of the Court of Contempt Act on the ground that in a proceeding initiated under Section 125 of Cr.P.C., she appeared along with her 13 months old child and her counsel Kunjbihari Dwivedi. She was

asked to give her evidence but she stated that she does not want to give her statement and insisted that respondent / her husband should be kept present personally in the Court. When the Court tried to convince her that her husband has come out of jail on bail just few days back and one more opportunity should be granted to him for payment of arrears but she started shouting in the court itself which was contrary to the decency of the Court and threw her 13 months old child on the floor. When the Court repeatedly instructed her to pick up her child and take him in her lap but neither she made any attempt to pick up her child in the lap nor tried to stop him from crying and started shouting in loud voice that Trial Court is trying to give undue protection to the respondent / her husband. The applicant did not improve her conduct in spite of repeated instructions given by the court, then she forcibly threw her child on the floor, as a result, her child started crying and accordingly, applicant interrupted with the court proceeding. She further picked up a paperweight which was lying on the table and threw towards her child by shouting that her child is the cause of trouble and, therefore, she would kill him but luckily the paperweight did not hit the child and passed near his temporal region. It was also mentioned that in case if the paperweight had hit the head of the child, then he would have died.

5. Thus, it is clear that applicant was creating all source of ruckus in the court. She made an attempt to kill her own child. Only a proceeding under Section 125 of Cr.P.C. was going on. If the applicant was not convinced with any order passed by the court, then she had an opportunity to assail the same before the higher Court but she cannot pressurize the court to pass an order in her favour. Furthermore, she has no authority to throw her child on the floor of the court room and to throw a paperweight towards her child

with a clear intention to kill him. Throwing a 13 months old child on the floor by itself would amount to an attempt to murder and throwing a paperweight towards his head would further aggravate the situation.

6. Under these circumstances, it cannot be said that FIR which has been lodged by the complainant against the applicant, according to which, the applicant went to the chambers of the Advocate of her husband and committed an offence cannot be said to be an afterthought and false.
7. Accordingly, this Court is of the considered opinion that no sympathetic view can be adopted in the facts and circumstances of the case.
8. The application fails and is hereby **dismissed**.

(G.S. AHLUWALIA)
JUDGE