

(2020) 08 UK CK 0034

In the Uttarakhand High Court

Case No : Writ Petition (Criminal) No. 1300 Of 2020

Dinesh Kumar And Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 20-08-2020

Acts Referred:

Indian Penal Code, 1860 — Section 504, 506
Constitution Of India, 1950 — Article 226

Citation : (2020) 08 UK CK 0034

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : Prem Kaushal, Pankaj Miglani

Final Decision : Dismissed

Judgement

Ravindra Maithani, J

1. The instant writ petition has been filed by the petitioners for quashing of an FIR No. 268 of 2020, under Sections 504 and 506 IPC and 4 of the

Dowry Prohibition Act, 1961, Police Station Ramnagar, District Nainital and also directions that the petitioners may not be arrested pursuant to the

FIR.

2. Heard learned counsel for the parties through video conferencing.

3. FIR in the instant case was lodged on 15.06.2020. According to it, the daughter of the informant Priyanka was to marry, petitioner, Dinesh Kumar.

On 09.12.2018, a pre-marriage ceremony was solemnized, in which, jewellery, cash and other gifts were given by the informant. The date of marriage

was fixed on 17.04.2020. It was first lockdown period, due to COVID-19. The informant had taken permission of ten persons to attend the marriage

and he was ready for marriage. He had printed invitation cards as well, but the barat did not reach on time. In the meantime, the middleman

telephoned the informant that they should first give a bullet motorcycle and Rs. 5,00,000/- in cash and, if it is paid, the barat would reach otherwise

not. The informant requested that he cannot fulfil this demand, but to no avail. Again due to intervention by some responsible persons, 15.06.2020 was

settled for the day of marriage and the informant had made all preparations for marriage, but the barat did not come and when contacted, the

petitioners demanded dowry again.

4. Learned counsel for the petitioners would argue as follows:-

1. That the demand as stated in the FIR was made by middleman and not by any of the petitioners.

2. Petitioner no.3 Pinky is married and she lives in her matrimonial home.

3. The informant had also lodged a report within Human Rights Commissions, where the petitioners have filed their reply.

4. On 17.04.2020, the marriage procession (barat) could not be taken, due to COVID-19 and on a few days before that the informant was told about

it, but he threatened that in case barat will not come, he will implicate them in false case.

5. Learned counsel for the petitioners also argued that subsequent to it, on 05.05.2020, the informant also lodged a report with Police and on

06.06.2020, the parties arrived at a settlement that a fresh date for marriage would be fixed.

6. The Court asked learned counsel for the petitioners that if, on 06.06.2020, the settlement was arrived at then why they did not bring the barat on

15.06.2020. To it, learned counsel for the petitioners would submit that once informant had filed such reports, how they could make relations with

informant family. Then the Court invited learned counsel for the petitioners attention to their own argument as well as annexure no.3 as to why they

did settle the dispute, on 06.06.2020, if they had no intention to marry. To it, learned counsel for the petitioners would submit that at that time, the

petitioners were ready for marriage.

7. It is a writ petition under Article 226 of the Constitution of India. The specific case of the petitioners is that despite, date of marriage having

rescheduled for 15.06.2020, the petitioners did not bring barat and demanded

dowry. If the informant had also lodged some complaint with the Human Rights Commission, it does not also make the FIR liable to be quashed. What is the credibility of the averments in the FIR is definitely subject to scrutiny, during investigation now. Therefore, no interference is warranted in this writ petition and the writ petition deserves to be dismissed.

8. The instant writ petition stands dismissed.