

(2011) 02 GUJ CK 0112
In the Gujarat High Court

Case No : Criminal Miscellaneous Application No. 3669 of 2009

Jagdishji Hapuramji Morya and Others

APPELLANT

Vs

State of Gujarat and Another

RESPONDENT

Date of Decision : 10-02-2011

Acts Referred:

Citation : (2011) 02 GUJ CK 0112

Hon'ble Judges : Akil Abdul Hamid Kureshi, J

Bench : Single Bench

Advocate : M.B. Parikh, 1 to 6, for the Appellant; Public Prosecutor for Respondent 1 and Madan Singh Obarod, for Respondent 2, for the Respondent

Judgement

Akil Kureshi, J.—Learned advocates appearing for both sides submit that dispute between the parties arising in the present petition can be

narrowed down. Petitioners are the in-laws of Respondent No. 2-original complainant. She has filed compliant bearing Criminal Case No. 3369 of

2008 before the learned Metropolitan Magistrate, Ahmedabad making allegations of harassment and retention of "stridhan". On the said

complaint, the learned Magistrate has issued process upon which the Petitioners have approached this Court seeking quashing the criminal case

primarily on the ground of lack of territorial jurisdiction.

2. It is the case of the complainant that upon death of her husband, the present Petitioners who are relatives of her husband retained her "stridhan".

It is primarily on this basis that the complainant has been lodged. Counsel for the complainant had previously supplied a list of valuable articles

which according to the complainant are lying with her in-laws. Learned Counsel for the Petitioners stated that he has verified the list with father-in-

law of the complainant who agreed to return all such articles upon which the complainant did not wish to press the charges. Copy of list of the articles duly signed by both the learned advocates is taken on record.

3. In view of the above developments, in my opinion, the complaint need not be further investigated into, when the complainant who is satisfied

with the return of her valuables lying with her in-laws, no useful purpose will be served in permitting trial into the allegations. In the result, the

petition is disposed of with following directions :

1. Petitioners shall return all the valuable articles of the complainant mentioned in the list.

2. This shall be done latest by 28th February 2011 in presence of elder members of the community if the complainant approaches the Petitioners at

Jodhpur with the elders of the family and a proper panchnama shall be drawn.

3. On the above conditions, complaint being Criminal Case No. 3369 of 2008 pending before the court of Metropolitan Magistrate, Ahmedabad is

quashed.

4. There shall, however be liberty to either side to apply in case of difficulty. Rule is made absolute accordingly.