
(2012) 03 UK CK 0058

In the Uttarakhand High Court

Case No : Criminal Writ Petition No. 260 of 2012

Madhur Bhushan

APPELLANT

Vs

State of Uttarakhand

RESPONDENT

Date of Decision : 28-03-2012

Acts Referred:

Constitution of India, 1950 — Article 226
Dowry Prohibition Act, 1961 — Section 3, 4
Penal Code, 1860 (IPC) — Section 498A

Citation : (2012) 3 UC 1708

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Advocate : Kishore Kumar, for the Appellant; S.S. Adhikari, A.G.A., for the Respondent

Judgement

Prafulla C. Pant, J.—Heard. By means of this petition moved under Article 226 of Constitution of India, the petitioner has sought quashing of First Information Report dated 16.02.2012, registered as F.I.R. No. 66 of 2012, relating to offence punishable u/s 498A I.P.C. and one punishable u/s 3/ 4 Dowry Prohibition Act, 1961, Police Station-Jawalapur, District Haridwar.

2. Learned counsel for the petitioner submitted that petitioner Madhur Bhushan is an Advocate, practicing in Delhi. It is further submitted that after the minor dispute between the husband and wife, respondent No. 3 Smt. Khusboo Chauhan (wife) left the matrimonial home. The marriage is hardly one year old, and there is likelihood of reconciliation between the parties to the matrimony.

3. Admit the petition.

4. Learned counsel for the State pray for and is allowed four weeks" time to file the counter affidavit.

5. Issue notice to respondent No. 3 Smt. Khushboo Chauhan, who may also file her counter affidavit within a period of four weeks.

6. Having considered submissions of learned counsel for the petitioner, and learned counsel for the State, and after going through the papers on record, as an interim measure, it is directed that petitioner Madhur Bhushan, shall not be arrested in connection with First Information Report dated 16.02.2012, registered as F.I.R. No. 66 of 2012, relating to offence punishable u/s 498A I.P.C. and one punishable u/s 3/ 4 Dowry Prohibition Act, 1961, Police Station-Jawalapur, District Haridwar, during investigation, or till sufficient material is collected against him provided he cooperates with the investigation agency. (Stay Application No. 2536 of 2012) stands disposed of). List after four weeks.