

(2022) 11 UK CK 0012

In the Uttarakhand High Court

Case No : Writ Petition (Criminal) No. 1781 Of 2022

Manu Devi Verma And Two Others

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 03-11-2022

Acts Referred:

Indian Penal Code, 1860 — Section 147, 323, 452, 498A, 504, 506
Dowry Prohibition Act, 1961 — Section 3, 4
Code Of Criminal Procedure, 1973 — Section 482
Constitution Of India, 1950 — Article 226

Citation : (2022) 11 UK CK 0012

Hon'ble Judges : Sanjaya Kumar Mishra, J

Bench : Single Bench

Advocate : Ashutosh Thakral, J. S. Virk, B.M.Pingal

Final Decision : Dismissed

Judgement

Sanjaya Kumar Mishra, J

1. By filing this writ application, the petitioners have prayed for issuance of a writ of certiorari quashing the FIR No. 410 of 2022, registered by the SHO at PS Ranipur, District Haridwar, for alleged commission of offences under Sections 498-A, 323, 504 and 506 of the Penal Code and Section 3/4 of the Dowry Prohibition Act, 1961. The FIR is dated 28.08.2022.

2. The main plank of arguments by learned counsel for the petitioners is that prior to lodging of the FIR against the petitioners, an FIR has been lodged against the complainant and her relative on 22.08.2022 for alleged commission of offence under Sections 147, 323, 452, 504, & 506 of the Penal Code. Learned counsel for the petitioners further submits that there is CCTV Footage as well as the Photographs of about 13 persons entering into the house of the petitioners and assaulting them.

3. It is the submission of learned counsel for the petitioners that the present FIR

has been lodged by the complainant with intent to abuse the process of law, and as a counterblast of the FIR lodged against her relative. However, this Court is of the opinion that it is a settled principle of law that only because an FIR is lodged prior to the FIR sought to be quashed, it cannot be a ground for quashing of the FIR, if the fact alleged in the FIR is sought to be quashed reveals a cognizable case of the offences alleged therein. It is apparent from the complainant's FIR that the petitioner no. 1 was given 25 lacs Rupees by the parents of respondent no.3 in the marriage held in the month of April, 2021. Later on, there was a demand for an additional dowry of Rs. 3 lacs and there was alleged torture on her.

4. As per the reported case of *State of Haryana vs. Bhajan Lal*, 1992 Supp (1) SCC 335, the Hon'ble Supreme Court has held that it is not the duty of the Court to have any mini trial at the stage of considering an application under Section 482 of the Code of Criminal Procedure, 1973, or in writ petition under Article 226 of the Constitution of India. If at all, the petitioners have any case, then they may produced all the relevant documents before the Investigating Officer, who shall take into consideration and proceed in accordance with the materials available. Moreover, this Court is of the opinion that on the first date, when the matter was listed before us, learned counsel for the complainant submitted that there is a chance of conciliation and the complainant is ready for mediation.

5. Today, the complainant and the petitioners are present before this Court.

6. The complainant is ready for conciliation but the petitioner no.1-her husband, and petitioner nos. 2 & 3 are not willing to have any compromise with the complainant. It is also borne out from the record that there are several other litigations pending under the provisions of the Senior Citizenship Act, 2007, and Protection of Women from Domestic Violence Act, 2005.

7. In that view of the matter, this Court is of the opinion that the right of the Investigating Officer to continue the investigation of the case should not be interfered with by the Writ Court, as this Court finds that a prima facie case is made out.

8. Hence, the writ application is dismissed being devoid of merit.

9. Personal appearance of the parties is dispensed with.