
(2011) 02 UK CK 0037

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application (C-482) No. 177 of 2011

Smt Saraswati Pathak, Prem Narayan Pathak, Sushil Pathak
and Punit Pathak

APPELLANT

Vs

State of Uttarakhand and R.K. Bhardwaj

RESPONDENT

Date of Decision : 23-02-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Dowry Prohibition Act, 1961 — Section 3, 4
Hindu Marriage Act, 1955 — Section 10
Penal Code, 1860 (IPC) — Section 306, 406, 498A, 506, 511

Citation : (2011) 02 UK CK 0037

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Prafulla C. Pant, J.—Heard.

2. By means of this petition, moved u/s 482 of Code of Criminal Procedure, 1973, the Petitioners have sought quashing of the proceedings of Criminal Case No. 806 of 2010, State v. Punit Pathak and others, relating to offences punishable u/s 498A, 506, 306/511 and 406 I.P.C, and one punishable u/s 3/4 of Dowry Prohibition Act, 1961.

3. Brief facts of the case are that Petitioner No. 4 Punit Pathak got married to Shweta Pathak (daughter of complainant/Respondent No. 2) on 06.12.2008 at Haldwani. It appears that there was some matrimonial discord between the two, and daughter of the complainant left her matrimonial house. The Petitioner No. 4 Punit Pathak filed an application u/s 10 of Hindu Marriage Act, 1955, for decree of judicial separation before the Judge Family Court, Nainital where after some reconciliation efforts were made, but daughter of Respondent No. 2 in an attempt to commit suicide took some poisonous substance.

4. Thereafter, the First Information Report is lodged by Respondent No. 2 relating

to dowry harassment and abetment to commit suicide. After investigation the Investigating Officer has submitted the charge sheet against the Petitioners.

5. Earlier also petition u/s 482 of Cr.P.C., was moved by the Petitioners which was dismissed by this Court on 07.10.2010.

6 Having considered submissions of learned Counsel for the Petitioners, and learned Counsel for the State, and after going through the papers on record, this Court is not inclined to interfere with the trial of the case. Therefore, without expressing any opinion as to final merits of the case, the petition u/s 482 of Cr.P.C., is dismissed summarily, with the observation that if the Petitioners namely Smt Saraswati Pathak, Prem Narayan, Sushil Pathak and Punit Pathak surrendered before the court concerned, their bail application shall be heard and disposed of without unreasonable delay.