
(2010) 07 UK CK 0065
In the Uttarakhand High Court

Sunny and Others

APPELLANT

Vs

State of Uttarakhand and Smt Parvesh

RESPONDENT

Date of Decision : 27-07-2010

Acts Referred:

Constitution of India, 1950 — Article 226
Hindu Marriage Act, 1955 — Section 9
Penal Code, 1860 (IPC) — Section 323, 498A, 506

Citation : (2010) 07 UK CK 0065

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Prafulla C. Pant, J.—Heard.

2. By means of this writ petition, moved under Article 226 of Constitution of India, the petitioners have sought quashing of the First Information Report dated 20.07.2010, lodged by respondent No. 3 (complainant), registered as Crime No. 202 of 2010, relating to offences punishable u/s 498A, 323, and 506 I.P.C., and one punishable u/s 3/4 of Dowry Prohibition Act 1961, Police Station Bhagwanpur, District Haridwar.

3. Learned Counsel for the petitioners submitted that the petitioner No. 1 is husband, petitioner No. 2 is father in law, petitioner No. 3 is mother in law, petitioner No. 4 is sister in law and petitioner No. 5 is brother in law (NANDOI) of the complainant/respondent No. 3.

4. Learned Counsel for the petitioners further pointed out that petitioner No. 1 Sunny filed an application u/s 9 of Hindu Marriage Act, 1955, and that the First Information Report in question, is a counter blast to the case filed by the petitioner No. 1. It is argued that it is abuse of process of law on the part of the complainant to implicate the entire family in dowry harassment case due to matrimonial discord between her and her husband.

5. Admit the petition.

6. Learned Counsel for the respondent No. 1 and 2, and learned Counsel for the complainant/respondent No. 3 pray for and are allowed to file counter affidavit within a period of six weeks

7. Meanwhile, as an interim measure, it is directed that petitioner No. 2 Rampal, petitioner No. 3 Smt Shashi, petitioner No. 4 Smt Ritu and petitioner No. 5 Monu shall not be arrested in connection with aforesaid crime during investigation provided they cooperate with the investigating agency. As to the petitioner No. 1 Sunny, it is directed that if he surrenders before the court concerned, his bail application shall be heard and disposed of without unreasonable delay. (Stay Application No. 6032 of 2010 stands disposed of).

8. List after six week"s.