

(2006) 01 KAR CK 0072

In the Karnataka High Court

Case No : Criminal Petition No. 3285 of 2005

Syed Siraj Pasha and Others

APPELLANT

Vs

State of Karnataka and Another

RESPONDENT

Date of Decision : 09-01-2006

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 200, 482
Dowry Prohibition Act, 1961 — Section 3, 4
Penal Code, 1860 (IPC) — Section 498A, 506

Citation : (2006) 2 DMC 18 : (2006) 1 KarLJ 571

Hon'ble Judges : V. Jagannathan, J

Bench : Single Bench

Advocate : Veeresh B. Patil, for the Appellant; Sathish R. Girji, High Court Government Pleader for Respondent No. 1 and Syed Khaleel Pasha, for the Respondent

Final Decision : Dismissed

Judgement

V. Jagannathan, J.—This petition u/s 482 of the Cr. P.C. is filed for quashing of the First Information Report registered by the Sindhanur Police against the petitioners and also to quash the Private Complaint No. 35 of 2005 on the file of the Judicial Magistrate First Class, Sindhanur.

2. The brief facts are to the effect that a complaint was lodged u/s 200 of the Cr. P.C. by respondent 2 herein against the petitioners alleging that, following the marriage of respondent 2 with the first petitioner, there has been continuous harassment by respondent 2's husband and her in-laws in connection with the demand of dowry and respondent 2 went through a very painful period because of the cruel treatment given to her by her husband and his family members and, therefore, a complaint was lodged against the petitioners for the offences punishable under Sections 498-A and 506 of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act, 1961. The petitioners have now sought for quashing of the FIR and for other reliefs as first above mentioned.

3. Heard the learned Counsel for the petitioners as well as the contesting respondent 2, and the learned Government Pleader for the State.

4. The learned Counsel for the petitioners submitted that the FIR in question requires to be quashed and there is no impediment to quash the FIR even though the charge-sheet is filed. On the other hand, the learned Counsel for respondent 2 submitted that the very fact that the charge-sheet has been submitted in C.C. No. 395 of 2005 itself is sufficient enough to dismiss the present petition as not maintainable in view of the particular relief that is sought by the petitioners. Both sides placed reliance on the decisions of the Apex Court and a decision of the Andhra Pradesh High Court respectively. I have perused the said decisions.

5. The learned Counsel for the petitioners contended that even though charge-sheet is submitted, still, this Court can exercise the power u/s 482 of the Cr. PC. and there could be no impediment for this. The ruling referred to by him in this connection is Y. Abraham Ajith and Others Vs. Inspector of Police, Chennai and Another, . It was submitted that the alleged incident of harassment did not take place at the place alleged in the complaint.

6. On the other hand, the learned Counsel for respondent 2 placed reliance on the decision of the Andhra Pradesh High Court in the case of Syed Khaja Mohiuddin v. State of Andhra Pradesh 2005 (3) Crimes 683 and submitted that there is no bar for the aggrieved woman to file complaint either at the place where there was demand for dowry or the place where she was forced to live. Having thus taking into account all the averments made, in the light of the rulings referred to and also having regard to the scope of Section 482 of the Cr. P.C., as has been laid down by the Apex Court in the decision in State of Haryana and others Vs. Ch. Bhajan Lal and others, , which decision was also referred to in State of Punjab Vs. Kasturi Lal and Others, , the very fact that the initial complaint lodged by respondent 2 has ultimately led to filing of the charge-sheet, the question of quashing the FIR or the private complaint at this stage does not arise.

Consequently, the petition has to fail and it is, accordingly, dismissed.

The observations made above shall not be construed as an expression of opinion on the merits of the case.