

Narendra Saini and Others Vs. State and Others

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Court : Uttaranchal

Decided On : Sep-07-2010

Judge : Sudhanshu Dhulia, J.

Acts : Cod of Criminal Procedure (Cr.P.C) - Section 482,; Indian Penal Code (IPC) - Section 406, 498A, 323, 504, 501;

Appeal No. : C-482 No. 609 of 2006

Appellant : Narendra Saini and Others

Respondent : State and Others

Judgement :

1. Heard learned counsels for the applicants as well as the learned Assistant Government Advocate for the State of Uttarakhand.
2. This Criminal Misc. Application under Section 482 Cr.P.C. has been filed by the applicants challenging the chargesheet and the subsequent summoning order dated 21.9.2002 issued by the Chief Judicial Magistrate, Dehradun as well as the proceedings initiated in Criminal Case No. 1994 of 2002 State V/s Narendra Saini and others pending before the Court of Chief Judicial Magistrate, Dehradun.
3. Brief facts of case are that respondent no. 4 who is married to the present applicant no. 1 Narendra Saini, as per Hindu Rites and Ceremonies on 27.4.2001. Thereafter, an F.I.R. was lodged by the wife at Police Station Dalanwala, District

Dehradun under Section 406 I.P.C. alleging that her "stridhan" is not being returned to her. Subsequently, an investigation was made and chargesheet was filed by the police in which offence was made out by the police against the applicants. Applicant No. 1 is husband, Applicant No. 2 is father in law, Applicant No. 3 is mother-in-law and Applicant No. 4 is sister-in-law of respondent no.4/ complainant Smt. Sunita Saini. All the same, apart from the said F.I.R. another F.I.R. was lodged by respondent no. 4 under Section 498A/323/504/501 I.P.C. and 3/4 Dowry Prohibition Act at Police Station Dalanwala where again a chargesheet was filed and summons were issued against the present applicants in Criminal Case No. 816 of 2002. However, in the said case i.e. Criminal Case No. 816 of 2002 respondent no. 4 has given a statement before the Court that there has been a compromise between the parties and subsequent to that compromise by mutual consent a decree of divorce has also been granted. She has further stated that she has received all her "stridhan" and one time alimony.

4. In spite of the service made to respondent no. 4, she has not put in appearance before this Court. Statement has been made before this Court by the counsels for the parties that respondent no. 4 has been divorced by mutual consent and she has received her "stridhan" and therefore nothing further remains. Therefore, no useful purpose will be served if the criminal case remains pending against the applicants.

5. In case the criminal case is allowed to remain pending against the applicants, it will only amount to an abuse of process of law, particularly, in view of the guidelines and parameters drawn by the Apex Court in the case of State of Haryana and others v. Bhajan Lal and others 1992 SCC (Cri) 426.

6. Therefore, in order to secure the ends of justice, all the proceedings initiated against the present applicants in Criminal Case No. 1994 of 2002 under Section 406 I.P.C. are liable to be set aside and are hereby set aside.

7. The present C-482 application is allowed accordingly. No order as to costs.

8. The Registry is directed to send a copy of this order to the court concerned for necessary compliance.

