

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRMP No.519 of 2013

Dr. Arvind Sharma, son of Dayaram Sharma, aged about 45 years, resident of Dr. B.R. Narkhed, House of Electrical Division Engineer, Basantpur, Rajnandgaon, Police Station Rajnandgaon, Civil & Revenue District Rajnandgaon (C.G).

Vs,

1. Smt. Kiran Sharma, wife of Dr. Arvind Sharma, resident of Azad Chowk, Handipara, Raipur, Police station Azad Chowk, Thana, Civil & Revenue District Raipur (C.G).
2. State of Chhattisgarh, through the District Magistrate, Raipur, Civil & Revenue District Raipur (C.G)

13.10.2015	Mr. Somkant Verma, counsel for the applicant. Mr. Malay Shrivastava, counsel for Respondent No.1. Mr. Ashish Shukla, Govt. Advocate, for the State. Heard. This petition is against the order dated 14.03.2013 passed by the Seventh Additional Sessions Judge, Raipur in Criminal Revision No.341/2012. By such order the Revisional Court affirmed the order dated 12.01.2012 passed by the Judicial Magistrate First Class, Raipur, whereby the complaint preferred by the petitioner u/ss 294, 506, 323, 120 & 328 of IPC was dismissed. The complaint case was preferred by the husband against the wife with the allegations of the aforesaid sections. Learned counsel for the petitioner would submit that on perusal of the statement of the petitioner husband would show that he was subjected to assault and was also threatened and abused by the wife. He further submits that the petitioner was also administered with certain medicine by the wife, which would have caused loss of life to the petitioner. He further submits that	

according to the statement of the petitioner, the complaint should have been registered as the offence was categorically made out.

Per contra, learned counsel for Respondent No.1 vehemently opposes the same and would submit that on false and frivolous grounds such complaint was filed and the finding of both the courts below are well merited which do not call for any interference as the appreciation of evidence by this Court in the face of it may not be done and consequently, the petition is liable to be dismissed.

I have heard learned counsel for both the parties and have also perused the impugned orders and the statement of the petitioner.

Perusal of the statements of petitioner and that of the other witnesses before the Police would show that it do not constitute any offence u/s 294 IPC as nothing has been stated that the accused wife hurled abuses against the petitioner in the public place causing humiliation to the petitioner. The further allegation is that threat was extended by the wife that the petitioner would be shot but except such oral statement, the allegations have not been proved by the petitioner and by simply making allegation of threat, it cannot be said that the ingredients of Section 506 IPC exist.

Further the record would show that after appreciation of evidence both the courts below have observed that initially the incident was said to be happened on 09.02.2008, report was made for it on 12.03.2008 to the police wherein it was stated that the petitioner was assaulted by his wife, son and daughter, but the reasons for delay of more than one month in filing the report have not been explained and in such circumstances, the allegations of the assault only attributed to the wife would show that there was general dispute between the wife and husband inside the house and such disputes are common in every house of the society. The Court below, therefore, after assessing the

Rao	evidence has recorded a finding that there was a general dispute between the wife and husband and consequently, the offence was not registered. After careful consideration and going through the statement, I am of the opinion that the finding of fact which has been arrived at by both the courts below do not require any reconsideration as no material irregularity is found to have been existing on the face of it. The orders of both the courts below whereby the complaint filed by the petitioner was dismissed appear to be just and reasonable which do not require any reconsideration by invoking extraordinary jurisdiction of this Court vested under Section 482 of Cr.P.C. In the result, the petition is dismissed at the motion stage itself. Sd/- Goutam Bhaduri Judge	
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