

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No.951 of 2015**

1. Smt. Sahira Begam Wd/o Late Munna Khan Aged About 50 Years R/o Ashok Nagar Murum Mines Sarkanda Police Station Sarkanda, Tahsil Bilaspur, Rev. And Civil Distt. Bilaspur Chhattisgarh.
2. Rahis Khan S/o Late Munna Khan Aged About 33 Years R/o Munshi Ishmile Ward Bhatapara Tahsil And Police Station Bhatapara, Rev. And Civil Distt. Balodabazar-Bhatapara Chhattisgarh.

---- Petitioner

Versus

State Of Chhattisgarh Through The Police Station Sarkanda, District Bilaspur
Chhattisgarh.

---- Respondent

For Petitioners	:	Shri P. K. Tulsyan, Advocate
For Respondent/State	:	Shri Wasim Miyan, Panel Lawyer

Order On Board**05/10/2015**

The applicants have preferred this application under Section 438 of Cr.P.C., apprehending their arrest in connection with Crime No.416/2015, registered by the Police Station Sarkanda, District Bilaspur for alleged commission of offence under Section 498-A, 323/34 of IPC.

2. Case of the prosecution is that in the night of 01-09-2015, the applicants and co-accused assaulted and poured kerosene oil on complainant-Reshma Begum.

3. Learned counsel for the applicant submits that the allegations are exaggerated. There might be a dispute between the husband and wife, for which, each and every family member cannot be involved. He submits that the applicants are residing separately in different stations at Bhatapara, whereas the complainant residing with her husband at Bilaspur and if something happened between the husband and wife, the applicants cannot be held responsible. It is also submitted that this is a dispute between the husband and wife and a report was submitted by the applicants in the

police station that the applicants may be falsely implicated by the prosecutrix.

4. On the other hand, learned State counsel submits that the incident of beating and pouring kerosene oil on the prosecutrix took place and immediately thereafter, FIR has been lodged on the same date i.e. 01-09-2015 in the evening at 5 PM. The prosecutrix was medically examined, in which, not only injuries were found on her body but also kerosene oil on her body was found during medical examination.

5. Taking into consideration the submission of learned counsel for the parties and the nature of allegations against the applicants, the application is rejected.

**Sd/-
Manindra Mohan Shrivastava
Judge**