

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRIMINAL MISC. PETITION NO. 1214 OF 2016

1. Kaushal Prasad Kurre, S/o Kedar Nath Kurre, aged about 39 years, Caste Satnami.
2. Smt. Sushila, W/o Kedar Nath Kurre, aged about 62 years.
Both R/o Aawas No. M.I.G. 1/45, M.P. Nagar, Korba, Police Station and Tahsil Korba, Civil and Revenue District Korba (C.G.)

... Petitioners

Versus

1. State of Chhattisgarh, through the Police Station Balko Nagar, Civil and Revenue District Korba (C.G.)
2. Smt. Shanti Kurre, W/o Kaushal Prasad Kurre, aged about 26 years, Caste Satnami, R/o Aawas No. M.Q. 245, Ompur Colony, Rajgamar, Police Station Balko Nagar, Tahsil, Civil and Revenue District Korba (C.G.)

... Respondents

For Petitioner	:	Mr. Punit Ruparel, Advocate.
For Respondent-State	:	Mr. Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/11/2016

1. The present petition under Section 482 of CrPC has been preferred by the Petitioners assailing the registration of FIR No. 104 of 2014 at Police Station Balko Nagar, District Korba, for the offence punishable under Sections 294, 323, 506 & 498-A of IPC and Sections 3 & 4 of the Dowry Prohibition Act.
2. The sole contention of the Counsel for the Petitioners is that the registration of the FIR by the police authorities is bad in law for the reason that the allegation of cruelty and torture made on account of demand of dowry was not an allegation in the statement of the respondent-complainant which she has made before the Sub-Divisional Magistrate, Korba on an earlier occasion and that subsequently an improved version has been made by the respondent-complainant only with an intention to harass the Petitioners.

3. Counsel for the Petitioners refers to a decision of the Delhi High Court rendered in the case of Sunil Bansal Vs. the State of Delhi and another analogous petition, decided on 24.4.2007.

4. The said judgment however would not be applicable in the present case for the reason that the decision of the Delhi High Court was in a petition which was challenging the framing of charge. Whereas in the instant case it is only at the preliminary stage of a complaint by the respondent-complainant before the police authorities and on the basis of the contents of the complaint an FIR has been lodged and the contents of the complaint are yet to be looked into by the police authorities during the course of investigation.

5. Further, the Petitioners can also bring to the notice of the Court below the contentions that they have raised in the present petition by moving the application seeking discharge or shall bring it to the notice of the Court below at the time of framing of charge. The High Court at the stage of registration of an FIR would not go into the merits of the case and hold a mini trial or a roving enquiry to reach to the conclusion as to any case being made out against the Petitioners or not.

6. The petition is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge