

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRIMINAL MISC. PETITION NO. 1216 OF 2016

Mohammad Anwar, S/o Wajid Ali, aged 65 years, R/o Kurud Road, Kohka, Near Human Mandir Ward No.7, Kohka Bhilai, Tahsil and District Durg (C.G.)

... Petitioner

Versus

1. Salma Parveen, W/o Ateek Khan, age about 30 years.
2. M S Sheikh, S/o Late Shakur Sheikh, age about 58 years.
3. Smt. Rehana Begum, W/o M S Sheikh, age 51 years.
All R/o Khursipar, Machhli Market, Zone-2, Bhilai, P.S. Khursipar, Tahsil and District Raipur (C.G.)
4. State of Chhattisgarh through Collector Durg (C.G.)
Through : SHO City Kotwali, District Balodabazar (C.G.)

... Respondents

For Petitioner	:	Mr. Saleem Kazi, Advocate.
For Respondent No.4	:	Mr. V.K. Netam, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15/11/2016

1. The present petition under Section 482 of CrPC has been filed by the Petitioner assailing the order dated 3.3.2016 passed by the Sixth Additional Sessions Judge, Durg in Criminal Revision No. 000231 of 2015, whereby the Revisional Court has rejected the said revision upholding the order dated 10.11.2015 passed by the Judicial Magistrate First Class, Durg in an unregistered complaint case.
2. Grievance of the petitioner-complainant for the filing of the complaint was that the Respondents No. 1, 2 and 3 in the instant case, had made a police statement in respect of demand of dowry by the present Petitioner and in which they have accepted to have also given dowry, which according to the complainant is an offence under Section 3 of the Dowry Prohibition Act.

3. The Trial Court initially vide its order dated 10.11.2015 in unregistered complaint case had rejected the same on the ground that the statement made by the petitioner-complainant cannot be substantiated only on the ground of police statement made by Respondents No. 1, 2 and 3 herein in the some other case. The said order was subjected to challenge in the aforesaid revision petition and the Revisional Court also has affirmed the order of the Trial Court and further held that even otherwise the complaint case of which the statement is being relied upon is still pending consideration before the Court below and therefore the truthfulness or the falsity of the statement is yet to be adjudicated upon and before that the complaint of the petitioner-complainant will not be sustainable.

4. This Court in exercise of its power under Section 482 of CrPC does not find any strong case made out by the Petitioner for taking a different view than the decision taken by the Trial Court on 10.11.2015 and the Revisional Court on 3.3.2016.

5. The petition being devoid of merits is accordingly dismissed. No order as to costs.

Sd/-
(P. Sam Koshy)
Judge