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HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 834 of 2015**

1. Vivek Sahu S/o Sukul Prasad Sahu, aged about 27 years, R/o C/45, N.F.L., Vijaypur, Civil and Rev. District - Guna, 473111 (M.P.).
2. Sukul Prasad Sahu S/o Deshrath Lal Sahu, aged about 59 years, R/o C/45, N.F.L., Vijaypur, Civil and Rev. District - Guna, 473111 (M.P.).
3. Smt. Manorama Sahu W/o Sukul Prasad Sahu, aged about 55 years, R/o C/45, N.F.L., Vijaypur, Civil and Rev. District - Guna, 473111 (M.P.).
4. Vikram Sahu S/o Late Shri Ramnath Sahu, aged about 35 years, R/o Torwa, Police Station Torwa, Civil and Rev. Distt. Bilaspur, Chhattisgarh.
5. Nirmala Sahu W/o Vikram Sahu, aged about 34 years, R/o Torwa, Police Station Torwa, Civil and Rev. Distt. Bilaspur, Chhattisgarh.

---- Petitioners

Versus

1. The State of Chhattisgarh through Police Station Mahila Thana, District Raipur, Chhattisgarh.
2. Smt. Sughrithi Sahu W/o Kamlesh Sahu, aged about 30 years, R/o H.N. 12/1069, Siddheshwari Mandir Marg, Kota, Police Station Sarswati Nagar, Civil and Rev. Distt. Raipur, Chhattisgarh.

---- Respondents

For Petitioners	:	Shri D. K. Gwalre, Advocate
For Respondent no.1/State:	:	Shri Satish Gupta, Govt. Advocate
For respondent no.2	:	Shir Arvind Dubey, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****08/08/2016**

Heard on admission.

2. The petition is admitted for hearing.
3. By way of the instant petition under Section 482 of Cr.P.C., the petitioners have sought for quashing of the FIR registered in Crime No.18/2015 at Mahila Thana, Raipur, the charge-sheet no. 26/15 and the

criminal proceeding pending against the petitioners before the JMFC, Raipur in Criminal Case No. 10485/2015.

4. Counsel for the petitioners submits that there is no allegation other than the general allegation made against the petitioners so far as offence under Section 498A/34 of IPC is concerned. He submits that if we read the written complaint made by the complainant it would be clear that there is no specific allegation made against each of the petitioners and all the allegations are against the petitioners 2 & 3.

5. Counsel appearing for the respondents oppose the submissions made by the counsel for the petitioners and submit that the written complaint itself very specifically shows that even on the date of marriage there was a specific demand of duplex house by the petitioners and the husband of the complainant/respondent no.2 and subsequently they were pacified that this issue can be decided at a later stage and only thereafter the marriage went on. They submit that from the time of marriage itself there was cruelty and ill treatment made upon the complainant/respondent no.2 and therefore there is prima facie material available with the Court below to proceed further with the case. Counsel for the respondents also make a submission that all these facts which the petitioners raise in this petition can also be decided by the Magistrate at the time of framing of charge and the Court below would be obliged to decide all the objections and contentions made by the counsel for the petitioners.

6. It has been informed that the matter now is listed before the Court below for argument before framing of charge.

7. This Court exercising its power under Section 482 CrPC can go into the veracity of the allegations levelled against the petitioners but the fact that once when the matter pending before the Court below is fixed for argument before framing of charge on the next date of hearing, in the

opinion of this Court, it would not be proper at this juncture to go into the merits of the case and decide whether any case is made out against the petitioners herein or not.

8. Accordingly, the present Cr.M.P. is disposed of with the direction that the petitioners shall be at liberty to apprise the Court below in respect of the submissions that they had raised in the present petition seeking for quashment of the charge sheet and the criminal proceedings and can also rely upon the citations which they have referred to in respect of their contentions. The Court below in turn is expected to take into consideration these facts while hearing the matter for framing of charge.

9. With the aforesaid observations and liberty the present CrMP stands disposed of.

**Sd/-
(P. Sam Koshy)
JUDGE**