

HIGH COURT OF CHHATTISGARH, BILASPUR
CRMP No. 1343 of 2016

1. Priyank Soni S/o Ganesh Soni Aged About 25 Years R/o Village Bandana, Post Kot, Police Station & Tahsil Sitapur, District Surguja, Chhattisgarh, Civil & Revenue District- Surguja At Ambikapur, Chhattisgarh.
2. Ganesh Soni S/o Kailash Soni Aged About 52 Years R/o Bandana, Post Kot Police Station, & Tahsil Sitapur, District Surguja, Chhattisgarh., Civil & Revenue District- Surguja At Ambikapur, Chhattisgarh.
3. Uma Soni W/o Ganesh Soni Aged About 45 Years R/o Bandana, Post Kot Police Station, & Tahsil Sitapur, District Surguja, Chhattisgarh., Civil & Revenue District- Surguja At Ambikapur, Chhattisgarh.
4. Lucky Soni S/o Ganesh Soni Aged About 28 Years R/o Bandana, Post Kot Police Station, & Tahsil Sitapur, District Surguja, Chhattisgarh., Civil & Revenue District- Surguja At Ambikapur, Chhattisgarh.
5. Renu Soni W/o Lucky Soni Aged About 25 Years R/o Bandana, Post Kot Police Station, & Tahsil Sitapur, District Surguja, Chhattisgarh., Civil & Revenue District- Surguja At Ambikapur, Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh Through S.H.O. Mahila Police Station Ambikapur, Surguja, District Surguja, Chhattisgarh.
2. Sonali Soni W/o Priyank Soni Aged About 22 Years Thangan Para, Mayapur, Ambikapur, Chhattisgarh.

---- Respondents

For the Petitioner : Shri A.K. Prasad, Advocate.

For the Respondent/State : Shri Ashish Shukla, GA.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03.10.2017

1. Heard.

2. Learned counsel for the petitioners submits that on a complaint made by respondent No.2 offence has been registered against the petitions in Mahila Police Station-Ambikapur, District-Surguja, under Section 498 (A) read with Section 34 of IPC, which has been challenged in this petition with prayer of quashment of FIR.
3. It is submitted that consequent to filing of this petition, investigation in the case has been stayed by order dated 07.12.2016 by this Court. In the meanwhile the Supreme Court has passed the judgment in case of **Rajesh Sharma Vs. State of Uttar Pradesh** reported in **AIR 2017 SC 3896**, giving direction regarding the manner to investigate the case under Section 498 (A) of IPC. Hence, this petition may be disposed of with direction to the respondent/State to investigate the case in accordance with the direction given in case of **Rajesh Sharma Vs. State of Uttar Pradesh** (supra).
4. Learned counsel for respondent No.1 opposes the petition and submission made and submit that the petition has no substance, which may be dismissed.
5. Respondent No.2 submits that FIR lodged against the petitioner contains serious allegation of demand of dowry and cruel treatment given to respondent No.2 in her matrimonial home. It is submitted that FIR was lodged on 14.11.2016, hence, the judgment of Supreme Court is not applicable in this case and the police has authority to investigate the case in accordance with the powers conferred under the Code of Criminal Procedure.
6. I have heard the learned counsel for the parties and perused all the documents placed on record.
7. In the judgment rendered by Hon'ble Supreme Court in case of **Rajesh Sharma Vs. State of Uttar Pradesh** (supra) a number of directions have been issued in Paragraph -19 of the judgment. As the order passed by the Supreme Court seems to have been passed exercising the powers under Article 142 of the Constitution of India, the same is to be complied with. Hence, in view of the judgment of **Rajesh Sharma Vs. State of Uttar Pradesh** (supra) this petition is allowed at the motion

stage with direction to respondent No.1 to investigate the case on the basis of FIR lodged by respondent No.2 in compliance with the direction as laid down by the Hon'ble Supreme Court in case of **Rajesh Sharma Vs. State of Uttar Pradesh** (supra).

8. Accordingly this petition stands disposed off.

Sd /-

(Rajendra Chandra Singh Samant)

Judge

Jamal