

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1091 of 2015**

- Manoj Kumar Mishra S/o Shri Gupteshwar Mishra, Aged About 41 Years R/o Akash Nagar, Sikolabhata, Durg, Police Station Mohan Nagar, Tahsil And District Durg, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary Home Department, Mahanadi Bhavan Mantralaya New Raipur, District Raipur, Chhattisgarh
2. Superintendent Of Police, Raigarh, District Raigarh, Chhattisgarh
3. Station House Officer, Police Station City Kotwali, Raigarh, District- Raigarh, Chhattisgarh

---- Respondent**And****CRMP No. 186 Of 2016**

1. Ravindra Kumar Mishra & Ors. S/o Shri Gupteshwar Mishra Aged About 54 Years R/o Ambuja Colony, Baloda Bazar, District Baloda Bazar - Bhatapara Chhattisgarh.
2. Smt. Neelam Mishra W/o Ravindra Kumar Mishra Aged About 46 Years R/o Ambuja Colony, Baloda Bazar, District Baloda Bazar - Bhatapara Chhattisgarh.
3. Rupesh Mishra S/o Ravindra Kumar Mishra Aged About 27 Years R/o Ambuja Colony, Baloda Bazar, District Baloda Bazar - Bhatapara Chhattisgarh.
4. Shailesh Mishra S/o Ravindra Kumar Mishra Aged About 25 Years R/o Ambuja Colony, Baloda Bazar, District Baloda Bazar - Bhatapara Chhattisgarh.
5. Mukesh Mishra S/o Ravindra Kumar Mishra Aged About 23 Years R/o Ambuja Colony, Baloda Bazar, District Baloda Bazar - Bhatapara Chhattisgarh.

---- Petitioners**Vs**

1. State Of Chhattisgarh & Ors. Through Secretary Home Department, Mahanadi Bhavan Mantralaya New Raipur, District Raipur Chhattisgarh.
2. Superintendent Of Police, Raigarh Raigarh Chhattisgarh.
3. Station House Officer Police Station City Kotwali, Raigarh, District Raigarh Chhattisgarh.
4. Lal Sahab Mishra S/o Late Shri Devdutt Mishra Aged About 69 Years R/o Bagulamukhi Mandir, Rambatha Road, Raigarh, District Raigarh Chhattisgarh.

---- Respondents

For Petitioners	:	Shri B.P. Singh, Advocate.
For Complainant		Shri Sushil Dubey, Advocate.
For Respondent/State	:	Shri Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

14/09/2017

Heard.

1. Since both the above petitions arise out of Crime No.123/2015 registered at Police Station Kotwali, Raigarh, District-Raigarh (CG) for the offence under Section 4 of the Dowry Prohibition Act, 1961, they are being disposed of by this common order.
2. Both these petitions have been brought with a prayer to quash the criminal proceeding initiated under the FIR, as mentioned above. Facts of the case are, that a negotiation for marriage of respondent No.4 had taken place and both the parties had agreed for performance of marriage. Subsequent to the negotiation, petitioners, in both the cases, stalled the performance of marriage on which respondent No.4 approached the petitioners on 18.1.2015 and met with R.K. Mishra

petitioner No.1 in CRMP NO.186/2016, in which, the family members of R.K. Mishra also participated. It was said that respondent No.4 shall have to give Rs.20 lakhs along with gold and silver ornaments and vehicle for the marriage. Respondent No.4 expressed his inability to fulfill the said demand and therefore the marriage negotiation ended there. Consequent to which a complaint dated 27.11.2015 was presented to respondents No.2 and 3 based on which FIR has been registered in PS-Kotwali, Raigarh against the petitioners in both the cases. After completion of investigation, charge-sheet has been filed before the Court of CJM, Raigarh.

3. It is submitted by learned counsel for the petitioners that no case is made out against the petitioners and bald allegations have been made by respondent No.4 against the petitioners. It is submitted that there is not a single statement against petitioner Manoj Kumar Mishra (CRMP No.1091/2015) in the whole contents of the charge-sheet. Apart from the statement against petitioner No.1 (CRMP No.186/2016), there is no direct statement against any of the other petitioners, hence, the prosecution against the petitioners in both the cases is abuse of process of law. It is therefore prayed that the criminal proceedings against the petitioners be quashed.
4. Learned counsel for the State submits that case has been investigated and charge-sheet has been filed. There are sufficient material on record on the basis of which petitioners in both the cases can be tried before the trial Court.
5. Learned counsel for respondent No.4 submits that the allegations made by respondent No.4 are not without substance and there are many

witnesses who have deposed against each of the petitioners regarding demand of dowry. Hence, the petitioners have no case.

6. Heard both the parties and perused all the documents on record.
7. Subsequent to filing of charge-sheet, it would not be proper for this Court to sift, weigh and analyze the statement of witnesses. As regards the submission that there is no material to proceed against some of the petitioners, this prayer can be also be made before the trial Court praying for discharge of those petitioners/accused persons. The jurisdiction under Section 482 of Cr.P.C. is not meant to usurp the jurisdiction of trial Court and neither it is meant to stifle any legitimate prosecution, it is settled position in law. Hence, for these reasons, both these petitions cannot be entertained in exercise of powers under Section 482 of Cr.P.C.. Petitioners shall have liberty to again approach this Court, as and when they feel aggrieved with any of the order passed by the Courts below.
8. For the reasons aforementioned, both these petitions stand dismissed.

Sd/-

(Rajendra Chandra Singh Samant)
JUDGE