

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 313 of 2017**

1. Smt. Laxmi Gupta W/o Shailesh Prasad Gupta, Aged About 29 Years, R/o Hari Vihar Ratanpur, Police Station Ratanpur, Revenue & Civil District Bilaspur Chhattisgarh (Sister In Law)
2. Smt. Sumitra Gupta W/o Shri Bhagwan Gupta, Aged About 47 Years, R/o Mahamaya Para, Ward No. 4 Ratanpur, Police Station Ratanpur, Revenue & Civil District Bilaspur Chhattisgarh .. (Mother In Law)
3. Shri Bhagwan Gupta S/o Late Shivmuni Gupta Aged About 48 Years, R/o Mahamaya Para, Ward No. 4 Ratanpur, Police Station Ratanpur, Revenue & Civil District Bilaspur Chhattisgarh .. (Father In Law)
4. Pradeep Gupta S/o Bhagwan Gupta, Aged About 23 Years, R/o Mahamaya Para, Ward No. 4 Ratanpur, Police Station Ratanpur, Revenue & Civil District Bilaspur Chhattisgarh .. (Brother In Law)
5. Kuldeep Gupta, S/o Shri Bhagwan Gupta, Aged About 21 Years, R/o Mahamaya Para, Ward No. 4 Ratanpur, Police Station Ratanpur, Revenue & Civil District Bilaspur Chhattisgarh .. (Brother In Law)

---- Applicants**Versus**

1. State Of Uttar Pradesh Through Superintendent of Police, District Balia, Uttar Pradesh
2. S. H. O. Police Station Khajari, Tehsil Sikanderpur, District Balia Uttar Pradesh
3. State Of Chhattisgarh Through Superintendent of Police Bilaspur Tehsil & District Bilaspur Chhattisgarh

---- Respondents/Non-applicants

For applicants – Shri Rupesh Shrivastava, Advocate.

For Respondents 1 and 2 – Shri Ashish Shukla, Advocate.

For Respondent No.3 – Shri Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

25-8-2017

1. At the outset, learned counsel for Respondent No.3 would submit that he is not a necessary party in the matter as the matter is not registered with the territorial jurisdiction of Chhattisgarh State.
2. Heard the matter finally.
3. Learned counsel for the applicants would submit that on the basis of guidelines issued by Hon'ble the Apex Court in the case of Arnesh Kumar -v- State of Bihar, reported in 2014 (8) SCC 273 and the directions given by Hon'ble the Apex Court in the matter of Rajesh

Sharma and ors -v- State of UP and another passed in Criminal Appeal No. 1265/2017 arising out of Special Leave Petition (Criminal) No. 2013/2017 vide judgment dated 27-7-2017 and other law reiterated and the facts of the present matter, the applicants intend to file appropriate petition before the High Court of Uttar Pradesh, Principal Seat at Allahabad and to file appropriate petition for apprehending their arrest, relief as prayed in the petition they may be given two weeks' time so that the applicants shall not be arrested by Respondent No.1 and Respondent No.2 within two weeks from today.

4. Learned counsel for Respondent No.1 and Respondent No.2 would submit that Police Station Khejuri, Tahsil Sikandarpur, District Balia, U.P. has registered Crime No.183/17 under Section 498A of the IPC and Section 3, 4 of the Dowry Prohibition Act, 1961 against the present applicants and one Sandeep Gupta. The above submission of learned counsel for Respondent No.1 and Respondent No.2 is hereby recorded.
5. Heard the matter finally. Also considered the guidelines and directions given by Hon'ble the Apex Court in the aforementioned matter.
6. On due consideration, without commenting anything on its merit, the prayer made on behalf of the applicants for two weeks' time to file appropriate petition under the law for their release in the event of arrest and other facts are allowed on the basis of aforementioned guidelines and directions passed by Hon'ble the Apex Court. Respondent No.1 and Respondent No.2 are directed not to arrest the applicants for 14 days, i.e., upto 8th of September, 2017 in connection with Crime No. 183/17, P.S. Khejuri, District Balia, U.P. The applicants may, if they choose, file appropriate petition between the aforementioned period as submitted and may get relief under the law by the High Court of Uttar Pradesh, Allahabad under the entire

provisions of law.

7. The MCRCA is accordingly disposed of.

8. Certified copy today.

Sd/-
(Chandra Bhushan Bajpai)
Judge

Aadil