

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1252 of 2016

1. Surajman Rajwade, S/o. Tejaram, Aged About 30 Years, Caste Rajwar.
 2. Tejaram, S/o. Chaituram, Aged About 55 Years, Caste Rajwar.
- Both R/o. Village Kailashpur, Police Station Ramanujnagar, District Surajpur, Civil & Revenue District Surajpur, Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh, Through Police Station Ramanujnagar, District Surajpur, Chhattisgarh.
2. Smt. Anita Rajwade, W/o. Surajmal Rajwade, Aged About 27 Years, R/o. Village Vishunpur, Police Station Surajpur, Tahsil Ramanujnagar, District Surajpur, Chhattisgarh.

---- Respondents

For Petitioners	:	Mr. A.K.Prasad, Advocates
For State/Respondent No.1	:	Mr. Sangharsh Pandey, Dy. G.A.
For Respondent No.2`	:	Mr. Ashok Kumar Shukla, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

31.07.2018

Heard

1. The present petition is for quashment of the criminal proceedings against the petitioners bearing Criminal Case No.1494/2015 pending before the Judicial Magistrate First Class Surajpur under Section 498-A read with Section 34 and Section 506 of the Indian Penal Code.
2. Learned counsel for the petitioners would submit that omnibus allegations have been made against the petitioners, therefore, no offence is made out. He further submits that out of a trivial issue, the dispute has been aggravated and earlier compromise has already been taken place between the parties, therefore, it will be an abuse of process of law to continue the prosecution, therefore, the criminal proceeding against the petitioners may be quashed.
3. Per contra, learned counsel for the Respondent No.2 and counsel for the State vehemently opposes the same and would submit that the

respondent No.2 was assaulted to the extent that she has lost her hearing capacity. It is further submitted that conciliation has already been failed, therefore, the statement would show that sufficient allegations exist against the petitioners, the charge sheet has already been filed and the prosecution evidence is yet to begin, therefore, under the circumstances, quashing of the criminal proceeding at this stage would lead to illegality.

4. Perused the statement and the report of the respondent No.2 Smt. Anita Rajwade. Perusal of the statement would show that positive allegations have been attributed against the petitioners about demand of dowry and what is the veracity and authenticity of the same is to be decided before the trial Court. At this stage, this Court in exercise of power under Section 482 of Cr.P.C. cannot adjudicate and give a finding that the statement so given by the respondent/wife is absolutely false. Taking into the statement and the fact that mediation proceedings between the parties have failed, I am not inclined to quash the criminal proceedings against the petitioners.
5. Accordingly, the petition has no merit and is dismissed. However, it is made clear that this Court has not made any opinion on merit qua the statement and evidence existing in this case. The trial Court shall be free to go into the merit on the basis of evidence available on record.

Sd/-
Goutam Bhaduri
Judge