

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 568 of 2019

1. Rani Dewangan S/o Late Panjuchram Dewangan Aged About 28 Years R/o Nayapara, Keju Mill, Chowk, Durg, Thana, Tahsil & District - Durg Chhattisgarh.
2. Smt. Vidya Dewangan @ Munnibai Dewangan W/o Late Panjuchram Dewangan Aged About 52 Years R/o Nayapara, Keju Mill Chowk, Durg, Thana, Tahsil & District - Durg Chhattisgarh. **--- Petitioners**

Versus

The State of Chhattisgarh through Collector, Raipur, Tahsil & District - Raipur Chhattisgarh. **--- Respondent**

For the applicants	: Mr. N.K. Chatterjee, Advocate.
For the State	: Mr. Chandresh Shrivastava, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07.03.2019

1. The present petition is against the order dated 18.09.2018 passed by the Fifth Addl Sessions judge, Raipur whereby the Revisional Court has affirmed the order of JMFC Raipur framing charges against the petitioner.
2. Learned counsel for the petitioners would submit that there is no allegation against the petitioners Rani Dewangan and Smt. Vidhya Devangan and in absence of any material no offence is made out.
3. A perusal of the FIR would show that the allegations of second marriage has been attributed to Rani Devangan and Vidhya Devangan and they have also treated the complainant with cruelty.

4. The scope of interference to quash the charges has been laid down by the Supreme Court in case of ***State of Rajasthan v. Fatehkaran Mehdu AIR 2017 SC 796*** wherein it is stated that at the stage of framing of charge, the Court is concerned not with the proof of allegation rather it has to focus on the material and form an opinion whether there is strong suspicion that the accused has committed an offence, which if put to trial, could prove his guilt. The framing of charge is not a stage, at which stage final test of guilt is to be applied.
5. Applying the aforesaid principles to the instant case and considering the statement and contents of the FIR, I am of the opinion that it is not a stage where the defence of petitioners can be put forth. Therefore, I am not inclined to interfere with the order of framing of charge at this stage as the petition is premature. The petitioners shall be at liberty to raise all the defence during the course of trial. Accordingly, the petition stands disposed of with the above observation.

Sd/-

**GOUTAM BHADURI
JUDGE**