

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 760 of 2014**

Harish Sahu S/o Shri Dallu Sahu, aged about 40 years, R/o Arving Marg, Sipat Road, Sarkanda, P.S. and P.O. Sarkanda, Bilaspur, Tahsil and District Bilaspur, Chhattisgarh- 495001

---- Applicant

Versus

1. State of Chhattisgarh Through Station House Officer, Police Station Mahila, Bilaspur, Tahsil and District Bilaspur (C.G.)..... (Non-applicant)
2. Rashmi Sahu W/o Sanjay Kumar D/o Late S.N. Sahu, aged about 37 years, R/o Opp Jain Mandir, Chhatterjee Gali, Sipat Chowk, Sarkanda, PS and PO Sarkanda, Bilaspur, Tahsil and District Bilaspur (C.G. (Complainant)

---- Respondents

For Applicant	:	Shri Faiz Kazi, Advocate.
For Respondent/State	:	Shri Ghanshyam Patel, G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order**

21/01/2019

Heard.

1. The instant petition is to quash the Criminal Case No. 137/2013 pending before the JMFC, Bilaspur.
2. It is contended by learned counsel for the applicant that the applicant Harish Sahu was never married to the complainant Rashmi Sahu and the documents and photographs at page 67 i.e. Annexures - A/4 and A/5 and some pathological report of the respondent No.2/complainant shows the complainant to be the wife of Sanjay Kumar. Therefore, the applicant is being unnecessarily harassed and the complainant was never the wife of the applicant.
3. The respondent No.2/complainant has not turned up.
4. The documents and photographs i.e. Annexures – A/4 and A/5

have been filed by the applicant. Annexure – A/4 shows that certain photographs claim that it is of the respondent No.2 and another husband and Annexure – A/5 shows that the complainant is shown to be the wife of Sanjay Kumar and not that of the applicant whereas in the statement of the complainant she has stated that she is the wife of the applicant and was subjected to cruelty for demand of dowry. The fact would reveal that there are two sets of evidence- one; claim of the applicant that respondent No.2/complainant is not the wife of the applicant and another is of the police wherein the statement reveals that the complainant claimed to be the wife of the applicant. Therefore, in exercise of power under Section 482 of Cr.P.C., it would be difficult to accept the version of either party. Once the complaint has been filed it is open for the petitioner to demolish the claim of the complainant by confronting the complainant/respondent No. 2 with necessary documents before the Court. No finding can be arrived at or given by this Court at this stage.

5. Considering the nature of the case, it is directed that the trial Court may decide the Criminal Case No. 137/2013 within a period of further six months from the date of receipt of copy of this order. If the complainant do not turn up, the Court may proceed accordingly which may include closure of rights too.

6. With the aforesaid observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)
JUDGE