

Court No. - 65

Case :- APPLICATION U/S 482 No. - 15211 of 2013

Applicant :- Smt. Archana Singhal And 5 Others

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Durgesh Kumar

Pandey, Mohd. Naushad Siddiqui

Counsel for Opposite Party :- Govt. Advocate, Satish Chandra Tiwari

Hon'ble Dinesh Kumar Singh-I, J.

Heard Sri Bipin Kumar, Advocate holding brief of Mohd. Naushad Siddiqui, learned counsel for the applicants, Sri Satish Chandra Tiwari, learned counsel for opposite party No.2, Sri G.P. Singh, learned A.G.A. for the State and perused the record.

The present application under Section 482 Cr.P.C. has been filed for quashing the impugned order dated 25.04.2013 passed by Special Chief Judicial Magistrate, Meerut as well as the entire proceedings in Criminal Case No.3947 of 2008, under Section 498-A I.P.C. & Section 3/4 of D.P. Act, Police Station Partapur, District Meerut, pending in the court of Special Chief Judicial Magistrate, Meerut.

It is argued by the learned counsel for the applicants that the discharge application moved before the trial court has been dismissed erroneously, against which he has moved this application. It is further argued that the accused-applicants were living separate from opposite party No.2 and no demand of dowry was made ever and the accused-applicants have been falsely implicated in the present case. While dismissing the discharge application, the trial court has not carefully scrutinized the evidence, which has been gathered by the Investigating Officer, therefore, the impugned order deserves to be set aside.

On the other hand, learned A.G.A. has vehemently opposed the prayer for quashing the impugned order.

I have gone through the FIR.

As per the FIR, opposite party No.2 was married to applicant No.6 (Nitin Kumar) on 10.02.2002 according to Hindu Rites and in this marriage about ten lakh rupees were spent along with the money which was spent on giving domestic articles. In addition to that by way of 'Stri Dhan' gold ornaments worth of

Rs.5,00,000/- and Rs.2,50,000/- cash was also given, but the accused-applicants who have been named in the FIR were not satisfied with the said dowry and started torturing opposite party No.2. On 15.10.2017, all the accused-applicants have demanded one steam car or Rs.5,00,000/- cash and when the same was refused, opposite party No.2 was abused and thrown out of the house being given threat to be killed, thereafter, opposite party No.2 came to her parental house.

The charge-sheet has been submitted after having recorded the statements of as many as seven witnesses, based on which the trial court has found that this is not fit case for discharging the accused as it has found sufficient material on record to frame the charges against the accused-applicants. It is mentioned in the impugned order that the sole ground of discharge has been taken that the accused-applicants were staying away from opposite party No.2 but that is the subject matter of evidence.

In agreement with the view taken by the trial court in this regard, I am of the view that the impugned order does not suffer from infirmity and the same deserves to be upheld.

Accordingly, the application is **dismissed**.

Order Date :- 26.9.2019

Ravi Kant