

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 88 OF 2013  
(Arising out of SLP(Crl) No. 920 of 2012)

PUSHPA VERMA & ORS.

Appellants

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

O R D E R

1. Leave granted.

2. This appeal is directed against the judgment and order passed by the High Court of Judicature at Allahabad in Criminal Misc. Application No. 23060 of 2010, dated 28.11.2011. By the impugned judgment and order, the High Court has refused to quash the charge-sheet filed by the respondent-police authorities.

3. The Appellants before us are sister, sister-in-law and the brothers of the husband of Smt. Shashi Prabha ("the victim" for short).

4. The victim had lodged a complaint before the jurisdictional police authorities, inter alia, alleging that there is a demand of dowry by the husband and his family members. The alleged complaint was inquired into by the jurisdictional police authorities and after such inquiry they had filed their report for closing the case. However, neither did the victim lodge any protest petition nor she filed any private complaint before the competent Court.

5. Subsequently, one more complaint is filed by the father of the victim. Pursuant to the said complaint, the police authorities have investigated the matter and filed the charge sheet.

6. Aggrieved by the charge sheet so filed, the Appellant had approached the High Court by filing a petition under Section 482 of the Code of Criminal Procedure, 1973. The High Court vide its judgment and order rejected the said petition.

7. We have heard Sh. Dash, learned senior counsel for the Appellant, Sh. C.D. Singh, learned counsel for the respondent and also the learned counsel for the complainant.

8. After carefully going through the history of the case, we are of the considered opinion that the complaint filed by the father of the victim is nothing but an abuse of the process of the Court and, therefore, the High Court ought to have interfered with the proceedings so initiated before the Trial Court. Since that has not been done, we take exception to the impugned judgment and order passed by the High Court.

9. Accordingly, we allow this appeal and quash the criminal proceedings in Case Crime No. 72 of 2010 arising out of F.I.R. No. 51/10, P.S. Kansganj, District Kansiram Nagar.

Ordered accordingly.



(NAVEEN KUMAR)  
COURT MASTER

(VINOD KULVI)  
COURT MASTER

(Signed order is placed on the file)