

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1022 OF 2015
(@ SPECIAL LEAVE PETITION (CRL.) NO. 2176 OF 2012)

SANTOSH SONKAR & ORS.

...APPELLANT(S)

VERSUS

STATE OF U.P. & ANR.

...RESPONDENT(S)

O R D E R

Leave granted.

The challenge in this appeal is against the order dated 11.01.2012 passed by the High Court of Allahabad refusing to quash the criminal proceedings against the accused-appellants under Section 498A/323/504/506 of the Indian Penal Code and Sections 3 & 4 of the Dowry Prohibition Act.

We have perused the F.I.R; the charge-sheet and the order of the High Court. We have also considered the statements recorded under Section 161 of the Code of Criminal Procedure of the mother of the complainant, an independent witness (Sri Om Prakash Nigam) who is a friend of the family of the complainant and his wife(Smt. Nisha Nigam).

From the above materials, it appears that the allegations levelled against the accused-appellants in the F.I.R. is highly exaggerated and runs counter to the statements of the mother of the complainant and the other two persons examined under Section 161 CrI.P.C. In fact on due consideration of the statements of the said persons, it is clear that prima facie involvement of Accused Nos. 1, 2, 5 and 11 alone is made out. The High Court appears to have over-looked the said materials in coming to its final conclusion that the proceedings ought not to be quashed.

In view of our conclusion that the materials on record prima facie disclose the involvement of only Accused Nos. 1, 2, 5 and 11 we find no good ground to permit continuance of criminal proceedings against the remaining accused. We, therefore, quash the said criminal proceedings insofar as other accused are concerned while maintaining the same in respect of Accused Nos. 1, 2, 5 and 11.

With the aforesaid modification in the order of the High Court, this appeal is disposed of.

.....J.
[RANJAN GOGOI]

NEW DELHI
4TH AUGUST, 2015

.....J.
[N.V. RAMANA]

ITEM NO.5

COURT NO.8

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 2176/2012

(Arising out of impugned final judgment and order dated 11/01/2012 in CRLMA No. 25931/2010 passed by the High Court Of Judicature at Allahabad)

SANTOSH SONKAR & ORS.

Petitioner(s)

VERSUS

STATE OF U.P. & ANR.

Respondent(s)

Date : 04/08/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI

HON'BLE MR. JUSTICE N.V. RAMANA

For Petitioner(s) Mr. Manoj Prasad, Sr. Adv.
Mr. Ajay Kumar Srivastava, Adv.
Mr. Ashutosh Dubey, Adv.
Mr. Vikrant Kumar, Adv.
Mr. Rohit Singh, Adv.
Ms. Mridula Ray Bharadwaj, Adv.

For Respondent(s) Mr. Sanpreet Singh Ajmani, Adv.
Mr. Manohar Pratap, Adv.
Mr. Harsh Vardhan Surana, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the
signed order.

(MADHU BALA)
COURT MASTER

(ASHA SONI)
COURT MASTER

(Signed order is placed on the file)