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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1744 of 2011

KALPANA VERMA & ORS.

Appellant(s)

VERSUS

STATE OF M.P. & ANR.

Respondent(s)

O R D E R

The matter has been called out twice but there is no appearance on behalf of the complainant.

The complainant had made a complaint against the appellants and her husband alleging cruelty and harassment for dowry, which are offences punishable under Section 498A read with Section 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

After the complaint was lodged, the appellants approached the High Court of Madhya Pradesh with a petition under Section 482 of the Code of Criminal Procedure for having the FIR quashed.

The High Court by its impugned judgment and order dated 23.01.2008 declined to quash the FIR.

Feeling aggrieved, the appellants and husband of the complainant approached this Court.

By order dated 07.07.2008, the special petition in respect of the husband of the complainant

was dismissed while the special leave petition

in
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Meenakshi Kohli
Date: 2015.03.14
06:43:49 IST
Reason:

respect of the other appellants i.e. mother, brother

and two sisters was admitted by this Court.

We have heard learned counsel for the parties and have gone through the records of the case.

It has been brought to our notice that the husband had in fact filed a petition for divorce against the complainant and the Family Court has granted the divorce on the ground that the complainant had been cruel to her husband. We are also told that

an appeal has been filed in the High Court against the order of the Family Court and the same is pending.

Be that as it may, on going through the allegations made in the complaint, we find that no specific allegation has been made against any of the appellants although clear allegations have been made against the husband in respect of whom the special leave petition has already been dismissed.

It appears to us that the complainant filed a complaint against the relatives of the husband only to inconvenience them and dragging them through the criminal justice system.

Looking into the facts and circumstances of the case as well as the fact that there are no specific allegations made against any of the appellants, we are of the opinion that the High Court was in error in declining to quash the FIR in respect of the appellants.

Consequently, we set aside the judgment and order

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passed by the High Court and quash the FIR so far as the appellants are concerned.

The criminal appeal is allowed.

The trial court record be sent back so that the trial against the husband can be heard expeditiously.

We request the trial court to dispose of the

