

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

Special Leave to Appeal (Cr1.) No(s). 11173/2018

(Arising out of impugned final judgment and order dated 05-09-2018 in CRMA No. 1359/2018 passed by the High Court Of Uttarakhand At Nainital)

ARCHANA PAL & ANR.

Petitioner(s)

VERSUS

THE STATE OF UTTARAKHAND & ANR.

Respondent(s)

IA No. 53837/2019 - EXEMPTION FROM FILING O.T.)

W I T H

SLP(Cr1) No. 3908/2019 (II-B)
(IA FOR EXEMPTION FROM FILING O.T. ON IA 62638/2019
IA No. 62638/2019 - EXEMPTION FROM FILING O.T.)

SLP(Cr1) No. 5250-5253/2022 (II-B)
(FOR FOR EXEMPTION FROM FILING O.T. ON IA 70565/2022
IA No. 70565/2022 - EXEMPTION FROM FILING O.T.)

Date : 24-08-2022 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Ms. Vibha Datta Makhija, Sr. Adv.
Mr. Robin Khokhar, AOR
Mr. Praveen Gaur, Adv.
Mr. Karan Mahajan, Adv.
Ms. Baani Khanna, Adv.
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Mr. Sangeeta Kumar, Adv.
Ms. Vidushi Garg, Adv.
Mrs. Vithika Gard, Adv.
Mr. Ratneswar Das, Adv.
Mr. Ashwani Garg, Adv.
Mr. Karan Singh, Adv.

5.1 Mr. Pallav Sishodia, Sr. Adv.
Mr. B.N. Dubey, Adv.
Mr. Kumar Gaurav, Adv.

5.2 Mr. Brijender Chahar, Sr. Adv.
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For Respondent(s) Ms. Vanshaja Shukla, AOR
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Ms. Sangeeta Kumar, AOR
Mr. Piyush Hans, Adv.
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Mr. Ombir Sangwan, Adv.
Mr. Sandeep Kumar, Adv.
Mr. P.S. Tomar, Adv.
Mr. Sureet Singh, Adv.
Mr. Mohd. Alim Khan, Adv.
Ms. Rachna Gandhi, AOR
Mr. Sajal Singhai, Adv.

5.1 Mr. Aviral Saxena, Adv.
Ms. Namita Chaudhary, AOR

5.2 Mr. Piyush Hans, Adv.
Mr. Vishwa Pal Singh, AOR

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

Leave granted in all the Special Leave Petitions.

The Criminal Appeals are disposed of in terms of the Signed
order placed below.

Pending application(s), if any, is/ are disposed of.

(VIJAY KUMAR)
COURT MASTER (SH)

(Signed order is placed on the file)

(PREETHI T.C.)
COURT MASTER (NSH)

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No. 1326 of 2022
(Arising out of S.L.P.(CrI.) No.11173 of 2018)

ARCHANA PAL & ANR.

Petitioner(s)

VERSUS

THE STATE OF UTTARAKHAND & ANR.

Respondent(s)

W I T H

Criminal Appeal No.1327 of 2022
(Arising out of S.L.P.(CrI.) No. 3908/2019)

W I T H

Criminal Appeal No. 1328-1331 of 2022
(Arising out of SLP(CrI.) No. 5250-5253/2022)

O R D E R

S.L.P. (CrI.) No. 11173 of 2018

Leave granted.

The Appellants are the Mother-in-Law and Father-in-Law of the deceased. They approached the High Court of Uttarakhand under Section 482 CrPC through Criminal Miscellaneous Application No.1359 of 2018, seeking quashing of the chargesheet filed against them under Section 304B and 498A IPC read with Sections 3 and 4 of the Dowry Prohibition Act. The High Court *vide* the impugned order dated 05.09.2018 has dismissed the said Petition observing that "looking to the nature of the offence and the material, which has been placed on record, this case is not of such nature that it should be interfered with by this Court while exercising its extraordinary jurisdiction under Section 482 of Cr.P.C."

We have heard learned counsel for the parties at a

considerable length. It appears to us that there are some contentious issues which ought to have been dealt with by the High Court while adjudicating the quashing Petition filed by the Appellants. We are, thus, inclined to remit the case to the High court for afresh adjudication of the Appellant's Petition by way of a reasoned order.

Consequently, the Appeal is allowed; the impugned order dated 05.09.2018 is set aside and the matter is remanded to the High Court for afresh adjudication. The parties are directed to appear before the High Court on 26.09.22.

The Appellants shall be at liberty to seek appearance through virtual conferencing mode or physical mode, as the case may be.

It is clarified that we have not expressed any views on the merits of the case.

We, further, request the High Court to decide the Petition expeditiously, and preferably within a period of four months. Till such time, the trial court shall keep the proceedings in abeyance.

The Criminal Appeal is disposed of accordingly.

Pending application(s), if any, is/ are disposed of.

S.L.P. (Cr1.)No.3908/2019

Leave granted.

The Appellant is the husband of the deceased. The Criminal Appeal is disposed of in terms of the order passed in Criminal

Appeal No. 1326 of 2022 [arising out of S.L.P.(Cr1.)No.11173/2018].

The Criminal Appeal is disposed of accordingly.

Pending application(s), if any, is/ are disposed of.

S.L.P. (Cr1.) Nos.5250-5253/2022

Leave granted.

The Appellants are Mother-in-Law, Father-in-Law and Husband of the deceased, against whom FIR No. 163/2017 dated 08.07.2017 under Sections 304B and 498A IPC has been registered at Police Station-Raipur, District-Dehradun, Uttarakhand. It appears that after completion of the investigation a charge sheet was filed and the court of Additional Sessions Judge IV, Dehradun took cognizance of the charge sheet in Sessions Trial No. 59/2018 and framed charges against the Appellants *vide* orders dated 27.08.2018 and 13.09.2018 and added Sections 3 and 4 of the Dowry Prohibition Act. The said orders were challenged by the Appellants through separate Criminal Revisions before the High Court which have been turned down by way of a composite order dated 19.06.2019. The instant Appeals are directed against the aforesaid order of the High Court. Since *vide* a separate order of even date passed in Criminal Appeal No. 1326 of 2022 [arising out of S.L.P. (Cr1.) No.11173/2018], we have remanded the matter to the High Court for fresh adjudication of the challenge laid by the Appellants to the charge-sheet itself, the final outcome of those proceedings is likely to have a direct bearing on the question of framing of charges against them. There is no gainsaying that if the charge-sheet is quashed, the orders framing charges against the Appellants would be rendered infructuous and redundant. We, therefore, instead of expressing any opinion on merits, deem it appropriate to set aside the

impugned order dated 19.06.2019 passed by the High Court with a request to keep the Criminal Revision Nos. 307/2018, 308/2018, 375/2018 and 378/2018, pending till the petition(s) seeking quashing of the charge-sheet are decided on merits.

We make it clear that we have not commented upon the merits of the impugned order dated 19.06.2019 passed by the High Court, and have set aside the same only on the premise that the adjudication of the Petition for quashing of charges will have its own bearing on the merits of these Criminal Revisions. The parties are, accordingly, directed to appear before the High Court on 26.09.2022.

The Criminal Appeals are disposed of accordingly.

Pending application(s), if any, is/ are disposed of.

.....J.
(Surya Kant)

.....J.
(Aniruddha Bose)

New Delhi;
24.08.2022.