HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B.Criminal Misc(Pet.) No. 3889 / 2016

Naresh Kumar S/o Ogad Ram, Aged About 31 Years, Chippo Ka

Vaas, Shivganj, Tehsil Shivganj, Distt. Sirohi.

----Petitioner

Versus

- 1. State of Rajasthan
- 2. Smt. Seema Kumar D/o Faulal Ji, Aged About 29 Years, Nehru Nagar, Shivganj, Tehsil Shivganj, Distt. Sirohi.

----Respondents

For Petitioner(s) : Mr. Vikas Balia with Mr. Rishi Soni

For Respondent(s): Mr. V.S. Rajpurohit, PP

HON'BLE MR. JUSTICE VIJAY BISHNOI Judgment / Order

09/01/2017

This Criminal Misc. Petition under Section 482 Cr.P.C. has been filed by the petitioner with a prayer for quashing FIR No.254/2016 of Police Station Shivganj, District Sirohi for the offences punishable under Sections 498A, 406, 323, 384, 504 and 149 IPC.

Learned counsel for the petitioner has argued that the respondent No.2 wife of the petitioner has lodged the false FIR against the petitioner. It is also contended that as a matter of fact the petitioner as well as the respondent No.2 has entered into an agreement on 29.09.2016 and annuled their marriage. It is also contended that as per the said agreement the petitioner has already paid an amount of Rs. 1,00,000/- as full and final

settlement to the complainant-respondent No.2, however, now she has filed the aforesaid false FIR against the petitioner in violation of the said agreement. It is also contended that from the perusal of the impugned FIR prima facie no case is made out against the petitioner, therefore, the impugned FIR be quashed.

Per contra, learned Public Prosecutor has opposed the prayer made by the learned counsel for the petitioner.

In the impugned FIR the complainant has levelled allegation of demand of dowry, misappropriation of 'stridhan', extortion etc. against the petitioner and his family members. The allegation of torture and demand of money has also been levelled in the complaint.

The contention of learned counsel for the petitioner is to the effect that the marriage of the petitioner and the respondent No.2 had already been annuled as per the agreement executed on 29.09.2016, requires investigation.

Ones, if it is found that from the allegations levelled in the impugned FIR, a case for commission of cognizable offence is made out, then the impugned FIR cannot be quashed.

In the present case, the allegations contained in the impugned FIR do constitute prima facie case for commission of cognizable offence.

Hence, no interference is called for by this court in this misc. petition and the same is hereby dismissed.

Stay petition also stands dismissed.

(VIJAY BISHNOI)J.

Gaurav

