

Ashish Dixit & Ors vs State Of U.P. & Anr on 7 January, 2013

Equivalent citations: AIR 2013 SUPREME COURT 1077, 2013 (4) SCC 176, 2013 AIR SCW 776, AIR 2013 SC (CRIMINAL) 691, 2013 (2) ALL LJ 231, (2013) 2 CRILR(RAJ) 416, 2013 (2) SCC(CRI) 337, (2013) 1 ALLCRILR 713, (2013) 1 CRIMES 216, (2013) 1 BOMCR(CRI) 626, 2013 CRILR(SC&MP) 416, 2013 CRILR(SC MAH GUJ) 416, (2013) 1 HINDULR 192, (2013) 2 RECCRIR 340, (2013) 1 CURCRIR 452, (2013) 2 RECCIVR 410

Bench: Chandramauli Kr. Prasad, H.L. Dattu

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 43 OF 2013
(SPECIAL LEAVE PETITION (CRL.)NO.8522 OF 2010)

ASHISH DIXIT & ORS.

APPELLANTS

VERSUS

STATE OF U.P. & ANR.

RESPONDENTS

O R D E R

1. Leave granted.

2. This appeal is directed against the judgment and order dated 05.07.2010 passed by the High Court of Judicature at Allahabad in Criminal Miscellaneous Application No.8358 of 2008. By the impugned judgment and order, the High Court has refused to quash the proceedings initiated against the petitioners by the respondent no.2-wife, under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for brevity “the Act, 2005”).

3. In the petition filed by respondent no.2, apart from arraying her husband and her parents-in-law as parties to the proceedings, has included all and sundry, as respondents. To say the least, she has even alleged certain actions said to have been done by the tenant whose name is not even known to her.

4. In a matter of this nature, we are of the opinion that the High Court at least should have directed that the petition filed by respondent no.2 be confined to her husband as also her parents-in-law and should not have allowed the impleadment of respondent nos.4 to 12.

5. In view of the above, while allowing this appeal in part, we quash the proceedings as against appellant nos. 4 to 12 in Case No.240 of 2007. We direct the learned Chief Judicial Magistrate, Agra to proceed with the aforesaid case; only against the husband i.e. Shri Ashish Dixit, S/o. Padmakar Dutt Sharma, her father in law, Shri Padmakar Dutt Sharma, S/o.late Pt.Diwakar Dutt Sharma and Smt.Girja Dixit, W/o.Shri Padmakar Dutt Sharma, her mother in law.

6. We are of the opinion that the direction issued by the High Court, inter-alia, directing the appellants herein to appear before the Trial Court and seek bail is wholly unnecessary.

.....J. (H.L. DATTU)J. (CHANDRAMAULI KR. PRASAD) NEW DELHI;

JANUARY 07, 2013.