

Smt. Chandrakiran Dewangan vs Kalishankar Dewangan on 25 February, 2025

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2025:CGHC:9702
NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 24 of 2025

1 - Smt. Chandrakiran Dewangan W/o Ashwarya Kumar Dewangan
Aged About 44 Years R/o Shankar Nagar, Raipur, Tahsil And District-
Raipur, Chhattisgarh

... Petitioner(s)

versus

1 - Kalishankar Dewangan S/o Tijuram Dewangan
2 - Smt. Madhulika Dewangan W/o Kalishankar Dewangan
3- Ashwariya Kumar Dewangan S/o T.R. Dewangan Aged About 45
Years
Resp. No. 1 to 3 are R/o Nagar Panchayat Kunra, Chhatrapati Shivaji
Ward No. 5, Near Bazar Chowk, P.S.- Dharsinva, Tahsil- District- Raipur,
Chhattisgarh
4 - Suresh Dewangan S/o Lalji Dewangan
5 - Smt. Nilima Dewangan W/o Suresh Dewangan
Resp. No. 4 & 5 are R/o Ashwani Nagar, Beside Annapurna Medical,
P.S.- Azad Chowk, Raipur, District- Raipur, Chhattisgarh

6 - State Of Chhattisgarh Through- Collector Raipur, District Raipur,
Chhattisgarh

... Respondent(s)

For Petitioner(s) : Shri Hemant Gupta, Advocate For Respondent(s) 1 to 5 : Shri Hemant Kesarwani, Advocate For Respondent No.6/State : Ms. Priya Sharma, PL (Hon'ble Shri Justice Arvind Kumar Verma) Order on Board 25/02/2025 The applicant has filed this revision under Section 528 of the Bhartiya Nagrik Suraksha Sanhita, being aggrieved by the order dated 10.10.2024 passed by the learned fourth Additional Sessions Judge, Raipur in Cr. Rev. No. 258/2024 whereby the trial court has affirmed the order dated 02.03.2024 passed by the trial court rejecting the petition of the applicant seeking impounding of the documents under Section 104 Cr.P.C.

2. Facts of the case in brief is that the marriage of the applicant was solemnized with the non-applicant No.3 as per Hindu customs on 23.11.2008. Thereafter she was appointed as Shiksha Karmi Panchayat, Korba. It is alleged that the petitioner was ill treated by the non-applicants for demand of dowry and they used to harass the petitioner by resembling her as Tonhi. It is further alleged that she was thrown out of her matrimonial house, dragged in a brutal manner and was ill treated by the in-laws. The petitioner filed a report at police station which was registered as Crime No. 310/2018 under Section 498-A, 34 IPC and Sections 4 & 5 of the Tonhi Pratadna Adhiniyam. The petitioner submitted all the documents but the police refused to accept and challan was put up before the trial court and the petitioner submitted the documents with an application under Section 104 Cr.P.C. The said application was dismissed by the learned trial court vide order dated 02.03.2024 stating it to be filed under Section 173(8) of Cr.P.C.

3. Heard learned counsel for the petitioner and perused the documents.

4. From perusal of the documents it is found that after filing of the charge sheet against the respondents No. 1 to 5 under Sections 498-A IPC and Sections 4 & 5 of the Tonahi Pratadna Adhiniyam, the petitioner has filed application under Section 104 Cr.P.C. Section 104 Cr.P.C. reads as under:

Section 104 - Power to impound document, etc., produced Any Court may, if it thinks fit, impound any document or thing produced before it under this Code.

5. The charge sheet has already been filed and the acceptance of documents of like nature which are private documents written by the petitioner to various departments including the Superintendent of Police, therefore the inherent power given to the High court is for advancement of justice and any order of like nature, is abuse of process of law. Accordingly it is rejected. However, the petitioner is at liberty to file application under Section 91 of the Cr.P.C. at the appropriate stage.

6. With the above observation, the petition stands disposed of at this stage.

Sd/-

(Arvind Kumar Verma)
Judge

SUGUNA DUBEY
DUBEY Date:
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