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M.NAGAPRASANNA

11/07/2023

Heard Sri Nitish Banka, learned counsel for petitioners and learned High Court Government Pleader for respondent No.1.

The petitioners are before this Court calling in question proceedings in C.C.No.1040/2019, for the offences punishable under Sections 498A, 504 and 506 of the IPC and Sections 3 and 4 of the D.P.Act.

Respondent No.2 is the complainant. Petitioner No.1 is accused No.1, her husband, petitioner Nos.2 and 3 are the father in-law and the mother in-law of the complainant – respondent No.2. The first petitioner and the complainant get married and travel to Australia. Several grievances are vented out in the complaint filed under Section 200 of the Cr.P.C. by respondent No.2 – wife.

On a perusal at the complaint or even the summary of the charge sheet as obtaining under Column No.7, would indicate various grievances between the husband and the wife, not in India, but outside. Accused Nos.2 and 3 are residing separately at Ghaziabad. The allegations against them is that, they demanded dowry when the marriage took place on 15.05.2015. No other allegation of torture is meted out to the wife by accused Nos.2 and 3. Permitting further proceedings to continue in C.C.No.1040/2019, albeit at the stage of framing of charges against accused Nos.2 and 3, would run foul of the judgment of the Apex Court in the case of KAHKASHAN KAUSAR @ SONAM AND OTHERS VS. STATE OF BIHAR AND OTHERS reported in 2022 SCC OnLine 162.

Therefore, there shall be an interim order of stay of further proceedings in C.C.No.1040/2019, pending before the VI ACMM, Bengaluru, only against petitioner Nos.2 and 3, till the next date of hearing.

It is made clear that further proceedings against petitioner No.1 – accused No.1 is not stayed.

List the matter on 27.07.2023.

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M.NAGAPRASANNA

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