

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 1007 of 2010

AKHILESHWARSINGH ARUNKUMAR SINGH – Applicant(s)

Versus

STATE OF GUJARAT & 1 – Respondent(s)

Appearance :

MR MATAFER R PANDE for Applicant(s) : 1,
MR KARTIK PANDYA, APP for Respondent(s) : 1,
NOTICE SERVED BY DS for Respondent(s) : 2,

CORAM : HONOURABLE MR. JUSTICE AKIL KURESHI

Date : 22/09/2010

ORAL ORDER

1. Counsel for the petitioner stated that respondent no.2 refused to accept direct service of this Court. Affidavit to this effect is also filed before the Court. I have heard learned advocate for the petitioner original accused no.4 as well as learned APP for the State.
2. Petitioner seeks quashing of the complaint Annexure-A being C.R. No.I-9/2010 registered before Mahila Police Station, Surat, filed by respondent no.2 herein against her husband and other relatives alleging offences punishable under Sections 498A, 323, 504,506(2), 114 of the IPC as well as Sections 3 and 7 of the Dowry Prohibition Act.
3. Insofar as present petitioner is concerned, he has produced certificate at page-16 of the petition indicating that he is serving as Flight Lieutenant in Indian Air Force and is designated as Medical Officer since 26.3.2007. It thus is undisputed that petitioner is serving in Indian Air Force. In the petition, the petitioner has stated that marriage of the complainant has took place at Lucknow. Thereafter, he was on duty with Indian Air Force and continuously away from Lucknow. He did not have any time to visit his home town.
4. With this background, if one peruses the allegations made in the complaint, insofar as present petitioner is concerned, allegations are extremely vague and general in nature. It is alleged that petitioner along with other accused had started taunting the complainant. That the petitioner was instigating the husband of the complainant. Complainant has further alleged that after she left her matrimonial home and started residing with her parents at Surat, her husband and other relatives had come to Surat and further demanded dowry. Significantly in this alleged incident, complainant does not involve the petitioner.
5. In the above background, I am of the opinion that no case of dowry demand or cruelty as defined under Section 498A is made out against the petitioner.

6. Under the circumstances, impugned complaint Annexure-A being C.R. No.I-9/2010 registered before Mahila Police Station, Surat, qua the present petitioner is quashed. It is clarified that these observations are confined only to the present petitioner and investigation qua other accused shall be carried out in accordance with law.

7. With above observations and directions, petition is disposed of.

(Akil Kureshi,J.)