

CASE NO.:
Appeal (crl.) 374 of 2008

PETITIONER:
SUBODH KAURA & ANR

RESPONDENT:
STATE OF HARYANA & ORS

DATE OF JUDGMENT: 22/02/2008

BENCH:
ALTAMAS KABIR & J.M. PANCHAL

JUDGMENT:
JUDGMENT
O R D E R

CRIMINAL APPEAL NO. 374 OF 2008
(Arising out of SLP(Cr.)No. 4215/2006)

Leave granted.

This appeal is directed against the order passed by the High Court on the appellants' application under Sec.482 of the Code of Criminal Procedure for quashing of the FIR No. 346 dated 13.5.2003, Police Station, Section-5 Panchkula, for the offences alleged to have been committed under Sec.406/498-A of the Indian Penal Code. The said petition was filed on behalf of five of the seven accused, and, as will appear from the order of the High Court impugned in this appeal, the same was allowed in respect of petitioner Nos. 1 and 2, who are admittedly residents of Nigeria, and petitioner No. 5 who is the uncle of the husband of the complainant. The petition was dismissed as far as the petitioner Nos. 3 and 4, Subodh Kaura and his wife Sonia Kaura, are concerned. It may be indicated that Sonia Kaura is the sister of the accused No.1 - husband of the complainant, and Subodh Kaura is her husband.

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The High Court while considering the petition has dealt with the case made out on behalf of the petitioner Nos.1,2 and 5 but except for indicating that the FIR against the appellants herein would remain, no reason has been given as to why such order was required to be passed in respect of the appellants herein.

Having heard learned counsel for the respective parties, we set aside the order of the High Court, as far as it dismisses the petition of the appellants under Sec.482 of the Code of Criminal Procedure, and remit the matter to the High Court for fresh consideration of the said petition after hearing the parties and in accordance with law.

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We make it clear that this order does not in any way amount to any expression on the merits of the matter.

The interim stay granted on 8.9.2006 by this Court will continue till the disposal of the matter by the High Court.

The appeal is disposed of accordingly.

JUDIS