

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

Criminal Appeal No 122 of 2022

(Arising out of SLP(CrI) No 5732 of 2019)

Veena Mittal

.... Appellant(s)

Versus

State of Uttar Pradesh & Ors

....Respondent(s)

O R D E R

1 Leave granted.

2 This appeal arises from an order dated 15 April 2019 of a Single Judge of the High Court of Judicature at Allahabad. The Single Judge has, by the impugned order, exercised the jurisdiction under Section 482 of the Code of Criminal Procedure 1973¹ and quashed the proceedings arising out of the charge-sheet submitted after investigation, in a First Information Report² dated 19 March 2017 registered as Crime No. 0364 of 2017, alleging offences punishable under Sections 498A, 420 and 406 of the Indian Penal Code 1860³ and Sections 3 and 4 of the Dowry Prohibition Act 1961.

1 “CrPC”

2 “FIR”

3 “IPC”

- 3 The cryptic order of the Single Judge contains one paragraph of purported reasons and is extracted below for convenience of reference:

“Considered the above submissions and the contents disclosed in the complaint. There is no specific allegation against applicant nos. 2 and 3 as they happen to [be] the mother and sister of applicant no.1, they cannot be said to be either beneficiaries or they have direct link with act of perpetrator of cruelty, therefore proceeding of charge sheet no. 01 of 2017, dated 3.9.2017, under Sections 498A, 406 !PC and 3/4 D.P. Act, P.S. Sihanigate, District Ghaziabad and the supplementary charge sheet no. 02 of 2017 dated 29.11.2017, under Sections 498A, 406, 420 IPC and 3/4 D.P. Act, P.S. Sihanigate, District Ghaziabad in Case No. 7445 of 2017, State vs. Jaya Prada, pending in the court of ACJM, court no. III, Ghaziabad arising out of FIR dated 19.3.2017 registered as case crime no.0364 of 2017, under Sections 498A, 420, 467, 468 IPC and 3/4 D.P. Act and non-bailable warrant order dated 18.5.2018 issued by ACJM, court no. III, Ghaziabad, against applicant nos. 2 and 3 is quashed.”

- 4 We have heard Mr Jitendra Mohapatra, counsel appearing on behalf of the appellant and Mr D Bharat Kumar, counsel appearing on behalf of the second and third respondents. Ms Stuti Chopra, counsel, has appeared on behalf of the State of Uttar Pradesh.
- 5 On 19 March 2017, an FIR was registered at Police Station Sihani Gate, District Ghaziabad as Case Crime No. 364/2017. The allegation of the appellant, whose daughter married the son of the second respondent and brother of the third respondent, is that at the time of the marriage, the second and third respondents had induced her to hand over *stridhan* in the nature of silver utensils weighing about 5 kg, gold jewellery weighing about 400 gms, utensils of the value of Rs 1,00,000 and other items. The FIR contains specific allegations in regard to the demand for dowry. A charge-sheet was submitted under Section 173 of CrPC, after the completion of investigation, on 29 November 2017. The order which has been passed by the Single Judge of the High Court, besides being cryptic, has completely failed to notice the allegations in the FIR. There are specific allegations in the FIR even as against the second and third respondents

in regard to the demand for dowry.

- 6 In this backdrop, the finding of the High Court to the effect that there is no specific allegation against the second and third respondents or that, as the mother and sister of the bridegroom, they would not be either beneficiaries or have a direct link with the perpetrators of the crime is not based on cogent material or a reading of the FIR. It is well-settled that at the stage when the High Court considers a petition for quashing criminal proceedings under Section 482 of the CrPC, the allegations in the FIR must be read as they stand and it is only if on the face of the allegations that no offence, as alleged, has been made out, that the Court may be justified in exercising its jurisdiction to quash. The parameters of the jurisdiction under Section 482 have been reiterated in a consistent line of authorities and, at this stage, it may be material to refer to the recent decision of this Court in **Neeharika Infrastructure v. State of Maharashtra**⁴. Accordingly, we allow the appeal and set aside the impugned judgment and order of the High Court dated 15 April 2019 in Criminal Miscellaneous Application No 27511 of 2018.
- 7 Pending application, if any, stands disposed of.

.....J.
[Dr Dhananjaya Y Chandrachud]

.....J.
[Dinesh Maheshwari]

**New Delhi;
January 24, 2022**

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4 2021 SCC OnLine SC 315

ITEM NO.10 Court 4 (Video Conferencing) SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s).5732/2019

(Arising out of impugned final judgment and order dated 15-04-2019 in APP No. 27511/2018 passed by the High Court of Judicature at Allahabad)

VEENA MITTAL

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(WITH IA No. 98032/2019 - EXEMPTION FROM FILING O.T.)

Date : 24-01-2022 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s) Mr. Jitendra Mohapatra, Adv.
Dr. Kedar Nath Tripathy, AOR
Mr. Bhuvan Raj, Adv.
Ms. Smruti Dash, Adv.

For Respondent(s) Ms. Stuti Chopra, Adv.
Mr. Sarvesh Singh Baghel, AOR

Mr. D. Bharat Kumar, Adv.
Mr. Tadimalla Bhaskar Gowtham, Adv.
Mr. Aman Shukla, Adv.
Mr. Siddhartha Sinha, Adv.
Mr. Rahul G. Tanwani, Adv.
Mr. Hathindra Manda, Adv.
Mr. Dasari Muralee Mohan, Adv.

UPON hearing the counsel the Court made the following
O R D E R

- 1 Leave granted.
- 2 The appeal is allowed in terms of the signed order.

3 Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER

(Signed order is placed on the file)