

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Writ Petition No. 744 of 2011

1. Smt. Veena Oberoi
W/o Shri Ved Prakash Oberoi
2. Ved Prakash Oberoi
S/o Asha Nand Oberoi
3. Sumit Oberoi
S/o Shri Ved Prakash Oberoi
All R/o 12/4 East Rest Camp
Dehradun, District Dehradun

.....Petitioners

Versus

1. State of Uttarakhand through Senior Superintendent
of Police, District Dehradun
2. Station House Officer,
P.S. Kotwali Nagar
District Dehradun
3. Smt. Somiya Priydarshini
W/o Sumit Oberoi
D/o Shri Ajay Kumar Singh
R/o 48/2, Teg Bahadur Road
Lane No. 3, Dehradun

.....Respondents

Mrs. Prabha Naithani, Advocate, present for the petitioners.
Mr. S.S. Adhikari, A.G.A., present for the State.
Mr. Pawan Mishra, Advocate, present for the respondent no. 3.

Hon'ble Prafulla C. Pant, J.

Heard.

2. By means of this writ petition moved under

Article 226 of Constitution of India, the petitioners have sought quashing of the First Information Report dated 24.08.2011, registered as crime no. 232 of 2011, relating to offences punishable under section 498A, 323, 504, 506 IPC, and one punishable under section 3/4 Dowry Prohibition Act, 1961, Police Station Kotwali Nagar, District Dehradun.

2. Petitioner no. 1 is mother-in-law, petitioner no. 2 is father-in-law and petitioner no. 3 is husband of the complainant (respondent no. 3). Learned counsel for the petitioners pleaded that the marriage between the petitioner no. 3 Sumit Oberoi and respondent no. 3 Somiya Priydarshini was love marriage which was registered with Registrar Hindu Marriage. It is further submitted that respondent no. 3 has already filed the petition under Protection of Women from Domestic Violence Act, 2005, after her relations soured with her husband. It is contended that impugned FIR is abuse of process of law.

3. The allegations in the FIR are serious in nature as against the husband.

4. In the circumstances, this Court is not

inclined to interfere with the investigation of the case. Having considered submissions of learned counsel for the parties, and after going through the papers on record, this writ petition is summarily disposed of with the observation that petitioner no. 1 Smt. Veena Oberoi and petitioner no. 2 Ved Prakash shall not be arrested in connection with aforesaid crime during investigation provided that they co-operate with the investigating agency. However, as to the petitioner no. 3 Sumit Oberoi, it is observed if he surrenders before the court concerned his bail application shall be heard, and disposed of without unreasonable delay. (Interim relief application no. 8974 of 2011, stands disposed of).

(Prafulla C. Pant, J.)

30.08.2011

Parul