

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No.74 OF 2019
(Arising out of SLP(Criminal) No.1055 of 2015)

PRIYANKA

Appellant(s)

VERSUS

SANJAY SINGH & ORS.

Respondent(s)

O R D E R

Leave granted.

The appellant filed a complaint on 02.08.2004 alleging harassment by the respondents. FIR was registered against the respondents under Sections 498A, 406, 504 and 506 of IPC. The matter was settled between the appellant and respondents pursuant to which the respondents were acquitted by an order dated 19.06.2007.

Yet another complaint was filed by the appellant on 23.10.2007 alleging that after the settlement, she joined respondent No.4, but the torture for demand of dowry did not stop and the harassment continued. The respondents filed a petition for quashing the said FIR on the ground that the second complaint was not maintainable in view of the order of acquittal passed earlier.

The allegations made in the complaint made on 23.10.2007 constitute a fresh cause of action and it cannot be said that such a complaint is not maintainable in law. Allegations made in the FIR prima facie constitute offences under Sections 498-A, 406, 504 and 506 IPC. The FIR could not have been quashed by the High Court on the ground that there was settlement in the earlier round which lead to the acquittal of the respondents.

For the aforementioned reasons, we allow the Appeal and set aside the judgment of the High Court. The respondents shall face trial.

.....J.
(L. NAGESWARA RAO)

.....J.
(M.R. SHAH)

New Delhi
January 14, 2019

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Cr1.) No(s).1055/2015

(Arising out of impugned final judgment and order dated 18-02-2014 in CRLA No. 4333/2008 passed by the High Court Of Judicature At Allahabad)

PRIYANKA

Petitioner(s)

VERSUS

SANJAY SINGH & ORS.

Respondent(s)

(IA 2112/2015)

Date : 14-01-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s)

Mr. M.P. Singh, Adv.
Mr. Sunny Choudhary, AOR

For Respondent(s)

Mr. Anupam Mishra, AOR

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

Leave granted.

Appeal is allowed in terms of the signed order.

(ARJUN BISHT)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)
(signed order placed on the file)