

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

**CRIMINAL APPEAL No. 1020 OF 2017
(ARISING OUT OF SLP (CRL.) No. 9585 OF 2013)**

State of Madhya Pradesh ...Appellant(s)

Versus

Krishanlal Bhutiyani and Others ...Respondent(s)

WITH

**Criminal Appeal No. 1021 of 2017
(Arising out of S.L.P. (Crl) No. 1687 of 2014)**

Jyoti Khatri ...Appellant(s)

Versus

The State of Madhya Pradesh ...Respondent(s)

ORDER

We have heard learned counsel for both the parties at length.

Leave granted in both the matters.

These appeals are separately filed by the State of Madhya Pradesh as well as the complainant(mother of the deceased) questioning the order dated 02.11.2012 passed by the High Court of Madhya Pradesh at Gwalior Bench in M.CR.C. No. 8292 of 2012

wherein the High Court has quashed the F.I.R. dated 11.10.2012 registered under Sections 306 and 498A read with Section 34 of the Indian Penal Code, 1860.

We have perused the order of the High Court, Wherein the court has not examined the material relating to the case, except narrating the facts of the case. Additionally it can be seen that the High Court without applying its mind, according to us, has quashed the F.I.R.

Before us, learned counsel appearing for the respondents-accused raised several issues stating that the FIR does not disclose any cause of action and does not make out any offence against the accused persons. Therefore in his opinion the High Court has rightly quashed the FIR.

It is to be noted that when serious allegations of dowry harassment and torture are alleged, the court should have been cautious in quashing the FIR. *Prima facie* the material placed before us indicates that demand of dowry was present and there was a continuous torture meted out to her for more than six years. As observed by us, the investigation is still not complete and the charge sheet has not yet been filed, at this stage, it is not proper to comment on the merits of the case, but sufficient to say that there is material to show a *prima facie* case.

Accordingly, we allow the appeals and set aside the order passed by the High Court.

Learned counsel for the respondents has made a request that the accused be given protection of arrest. We are not inclined to grant any protection to the accused. We direct the respondents to surrender before the concerned court within a period of two weeks from the date of receipt of copy of this order. On such surrender, the trial court is directed to consider the prayer for grant of regular bail expeditiously, upon filing of application for regular bail, by the accused person.

.....J.
(N.V. Ramana)

.....J.
(Prafulla C. Pant)

**NEW DELHI,
JULY 06, 2017**

ITEM NO.6

COURT NO.9

SECTION II-A

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). 9585/2013

(Arising out of impugned final judgment and order dated 02-11-2012 in MCRC No. 8292/2012 passed by the High Court Of M.p At Gwalior)

THE STATE OF MADHYA PRADESH

Petitioner(s)

VERSUS

KRISHANLAL BHUTYANI & ORS.

Respondent(s)

WITH

SLP(Crl) No. 1687/2014 (II-A)

Date : 06-07-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA

HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s)

Ms. Bansuri Swaraj, Adv.
for Mr. C. D. Singh, AOR

Mr. Puneet Jain, Adv.
Ms. Christi Jain, Adv.
Ms. Priyal Jain, Adv.
Mr. Abhinav Gupta, Adv.
Ms. Pratibha Jain, AOR

Ms. Rashmi Singh, Adv.
Mr. Adarsh Upadhyay, AOR

For Respondent(s)

Mr. Puneet Jain, Adv.
Ms. Christi Jain, Adv.
Ms. Priyal Jain, Adv.
Mr. Abhinav Gupta, Adv.
Ms. Pratibha Jain, AOR

Ms. Bansuri Swaraj, Adv.
For Mr. C. D. Singh, AOR

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

Leave granted in both the matters.

The appeals are allowed and the order passed by the High Court

is set aside.

Learned counsel for the respondents has made a request that the accused be given protection of arrest. We are not inclined to grant any protection to the accused. We direct the respondents to surrender before the concerned court within a period of two weeks from the date of receipt of copy of this order. On such surrender, the trial court is directed to consider the prayer for grant of regular bail expeditiously, upon filing of application for regular bail, by the accused person.

(SUKHBIR PAUL KAUR)
AR CUM PS

(SHAKTI PARKASH SHARMA)
BRANCH OFFICER

(Signed order is placed on the file)