

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1064 of 2014

Arising Out of PS.Case No. -45 Year- 2013 Thana –Begusarai Mahila District- BEGUSARAI

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1. Dr. Shekhar Kumar Jaiswal S/o Sri Jagdish Prasad Jaiswal
 2. Jagdish Prasad Jaiswal @ Jagdish Choudhary S/o Late Thakur Choudhary
 3. Shila Jaiswal @ Shila Choudhary W/o Sri Jagdish Prasad Jaiswal
 4. Abhishek Kumar Jaiswal @ Abhishek Kumar S/o Sri Jagdish Prasad Jaiswal
 5. Manish Kumar Jaiswal @ Kumar Manish S/o Sri Jagdish Prasad Jaiswal
 6. Sharmila Devi D/o Sri Jagdish Prasad Jaiswal
 7. Anamika Devi D/o Sri Jagdish Prasad Jaiswal
 8. Himanshu Prasad Jaiswal @ Himanshu Sharma S/o Late Janardan All accused no.-1 to 8 are resident of L.I.G, block no.-03, Quarter no.- 91, Thana- Patrakar Nagar Hanuman Nagar, Kankarbagh, Patna-20
 9. Dinesh Prasad Choudhary @ Dinesh Choudhary S/o Late Rajo Choudhary R/o village + Post- Shahpur Patory, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar Through The Director General of Police, Bihar, Patna
2. The Inspector General of Police, Bhagalpur, Bihar
3. The Deputy Inspector General of Police, Munger, Bihar
4. The Superintendent of Police Begusarai, Bihar
5. The Deputy Superintendent of Police, Begusarai, Bihar
6. The Officer - In - Charge Mahila, P.S.- Begusarai
7. Shimpi Jaiswal D/o Shri Bhawani Prasad Jaiswal resident of village- Singhoul Pokhar, P.O.- Ulaw P.S.- Muffasil, District- Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Shankar Chaudhary, Adv.

For the Respondent/s : Mr. Madhukar Mishra, A.C. to SC-31

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 02-04-2015

This application under Articles 226 and 227 of the Constitution of India has been filed for quashing the First Information Report in Begusarai Mahila P.S.Case No. 45 of 2013 dated 29th July, 2013 registered under section 498-A of the Indian Penal Code as well as sections 3 and 4 of the Dowry Prohibition Act.



It has been contended that petitioner no.1 is the husband of respondent no.7 and the marriage was solemnized on 29th June, 2012. Other petitioners are in-laws of respondent no.7. The fact of the matter is that respondent no.7 has filed another F.I.R., vide Patna Mahila P.S. Case No. 62 of 2013 dated 18.08.2013, after 21 days of Begusarai Mahila P.S. Case No. 45 of 2013 dated 29.07.2013 alleging same allegation against petitioner nos. 1, 2, 3, 4 and 9 without disclosing the fact that she has already lodged another F.I.R. at Begusarai. It has further been contended that petitioner no.1 is an eminent professor and his family is also very reputed in the society. From the very beginning of marriage respondent no.7 and her family started harassing the petitioners and she always used to go to her Maiyka without informing the petitioners. Being dissatisfied with the behaviour of respondent no.1, petitioner no.1 has filed Matrimonial Case No. 267 of 2013 on 6th April, 2013 before the learned Principal Judge, Patna for dissolution of marriage under section 12 of the Hindu Marriage Act, which was withdrawn in the light of compromise arrived at between the parties and subsequently a petition under section 13-B of the Hindu Marriage Act was filed for divorce with mutual consent. The further contention is that there is no truth behind the allegations made in the complaint in question and the petitioners are being harassed in the case with ulterior motive.

On the other hand, learned counsel for the State has submitted that though the allegations made in the F.I.R. do constitute a cognizable offence but after institution of F.I.R. investigation was conducted and taking into consideration the earlier case filed by the informant of the case, vide Patna Mahila P.S.C ase No.62 of 2013, a final form has already been submitted holding the instant police case to be “a mistake of fact”.

Regard being had to the fact that the investigation has already been concluded and final form has been submitted under section 173(2) of the Code of Criminal Procedure, in my view, this application has become infructuous.

In that view of the matter, the application is disposed of as infructuous.

(Ashwani Kumar Singh, J)

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