

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13467 of 2013

Arising Out of PS.Case No. -440 Year- 2012 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

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1. Ramprit Gond S/O Dhuri Gond Resident of Village- Padari, P.S- Jataha, District- Kushinagar (U.P)
 2. Rani Kumari D/O Late Purushottam Gond Resident of Village- Padari, P.S- Jataha, District- Kushinagar (U.P)
 3. Kajal Kumari D/O Late Purushottam Gond Resident of Village- Padari, P.S- Jataha, District- Kushinagar (U.P)
 4. Shila Devi W/O Bijendra Gond, resident of Village- Kotawa, P.S- Nebua Naurangia, District- Kushi Nagar (U.P)
 5. Mira Devi W/O Radhe Gond Resident of Village- Chilgoura, P.S- Padrauna, District- Kushi Nagar (U.P)
 6. Nirmala Devi W/O Rajesh Gond, Resident Of Khadda, P.S- Khadda, District- Kushinagar (U.P)

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sangita Devi D/O Nagina Prasad Gond Resident Of Village- Manjhariya, P.S. Piprasi, District- West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh No. 1, Adv.
For the Opposite Party/s : Mr. Prithvi Nath Mishra, Adv.
For the State : Mr. Jitendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

4 23-07-2015 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The present petition has been filed for quashing the order dated 27.09.2012 passed by learned Sub-Divisional Judicial Magistrate, Bagaha, District- West Champaran in connection with Complaint Case No. C-440 of 2012 by which the learned Sub-Divisional Judicial Magistrate has taken cognizance of offences under Sections 323, 498A of the

Indian Penal Code.

3. According to the prosecution case, the complainant was married in the year 2004 and soon after she was tortured by her husband Markandey Gond and her various in-laws for non fulfillment of demand of dowry.

4. It is submitted on behalf of the petitioners being the in-laws of the complainant other than her husband that the impugned order of cognizance dated 27.09.2012 is liable to be quashed being only without jurisdiction as no part of the cause of action arose within the jurisdiction of the learned Court of Sub-Divisional Judicial Magistrate, Bagaha, West Champaran. It is submitted that not a whisper of any accusation has been made in the complaint with regard to any demand for dowry or torture having been committed within the State of Bihar. Learned counsel for the petitioner relies on a decision of the Hon'ble Supreme Court in (2004) 8 SCC 100 (Y. Abraham Ajith vs. Inspector of Police, Chennai).

5. Learned counsel for the opposite party no. 2 appears and opposes the application and invites attention to the seriousness of the accusations made in the complaint.

6. Be that as it may, this Court finds that there is nothing in the complaint petition to indicate that any part of the cause of action arose within the jurisdiction of the court of learned Sub-Divisional Judicial Magistrate, Bagaha,

District- West Champaran nor can the offence alleged be said to be a continuing one.

7. The impugned order of cognizance dated 27.09.2012 is therefore clearly without jurisdiction and is quashed as such. The petition stands allowed.

(Vikash Jain, J)

Md. Ibrarul/-

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