

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13239 of 2013

Arising Out of PS.Case No. -951 Year- 2011 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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1. Krishna Sah S/O Late Yugul Sah Resident Of Village - Chimnapur, P.S. -
Lalganj, District - Vaishali.

2. Anita Devi W/O Krishna Sah Resident Of Village - Chimnapur, P.S. - Lalganj,
District - Vaishali.

.... Petitioner/s

Versus

1. The State Of Bihar.

2. Sarita Devi D/O Nathuni Sah Resident Of Village - Ramnagra P.S. - Mejarganj,
District - Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan No.II. Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 16-07-2015

Heard learned counsel for the petitioners and learned APP for
the State.

2. The present petition has been filed for quashing the order
dated 27.01.2012 passed, learned S.D.J.M.,Sitamarhi Sadar in connection with
Complaint Case No. C-951 of 2011 (Trial No. 1810 of 2013) for the offences
under Sections 498(A) of the Indian Penal Code.

3. According to the complaint filed by the OP No. 2 she was
married to one Mukesh Kumar, son of the present petitioners, in the year
2007 and has been tortured for non-fulfillment of dowry demand of the
accused persons including these petitioners.

4. It is submitted on behalf of the petitioners that they have
been falsely implicated merely because they happen to the parents-in-laws of



the complainant. Even according to the complaint the complainant was residing at Visakhapatnam with her husband, who was serving in the Navy and as such no part of the cause of action arose within the Sitamarhi jurisdiction. Moreover, the thrust of accusations is against the complainant's husband and the petitioners have been roped in merely for the purpose of harassment. It is further submitted that the petitioner no. 1 had filed a informatory petition before the learned Chief Judicial Magistrate, Vaishali on 22.06.2011, prior to filing of the complaint itself with regard to the conduct of the complainant.

5. Pursuant to notice issued to OP No. 2, three Vakalatnamas of different Advocates have been filed and despite opportunities being granted to the learned Advocates to decide among themselves who would conduct the case on her behalf, none of them has been appearing in the matter. As a matter of indulgence on 09.07.2015 the matter was once again adjourned, but none is present on her behalf today when the matter is called.

6. This Court has given its careful consideration to the submissions made and the facts and circumstances of the case. It appears from the complaint itself that the complainant accompanied her husband to Visakhapatnam where he had been assaulting her and in respect of which she even made a complaint to his Commanding Officer. The acts of physical torture are clearly attributed to the complainant's husband at Visakhapatnam and the accusations against the present petitioners appear to be general and omnibus in nature.

7. In these circumstances, this Court is of the view that continuance of the prosecution against these petitioners would amount to an abuse of

process of the Court. Accordingly the order dated 27.01.2012 passed by learned S.D.J.M., Sitamarhi Sadar in connection with Complaint Case No. C-951 of 2011 (Trial No. 1810 of 2013) is hereby quashed.

8. The petition stands allowed.

(Vikash Jain, J)

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