

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No. 968 of 2013

Arising out of P.S. Case No. -null Year- null Thana -null
District- SASARAM (ROHTAS)

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1. Alakh Niranjana Singh S/o Late Anirudh Singh Resident of Village Semara, P.S. Agrer, District Rohtas.
 2. Dilip Kumar @ Dilip Kumar Singh S/o Alakh Niranjana Singh. Resident of Village Semara, P.S. Agrer, District Rohtas.
 3. Madhup Kumar @ Madhu Kumar S/o Alakh Niranjana Singh Resident of Village Semara, P.S. Agrer, District Rohtas.
 4. Sunaina Devi W/o Dilip Kumar Singh @ Dilip Kumar Resident of Village Semara, P.S. Agrer, District Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bindu Kuer W/o Late Ram Niwas Singh D/o Bhikhamdeo Singh Resident of Village Semara, P.S. Agrer, District Rohtas At Present Residing At Village Bhawpokhar, P.S. Nokha, District Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Adv.

For the Respondent/s : Mr. Arbind Kumar Pandey, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 30-06-2015

Learned Counsel for the Petitioners seeks permission to withdraw the application so far as Petitioner No. 1, Alakh Niranjana Singh is concerned.

The application is dismissed as withdrawn with regard to Petitioner No. 1.

The rest of the Petitioners seek revision of the order dated 09.07.2013 by which the Ad hoc Additional Sessions Judge-I, Rohtas at Sasaram in Cr. Rev. No. 108 of 2012 set aside the order of cognizance dated 14.02.2012 passed by the Judicial Magistrate, 1st Class,

Rohtas at Sasaram in Complaint Case No. 1171 of 2011 (Tr. No. 1659 of 2011).



The case of the Complainant is that she was married to Ram Niwas Singh out of which marriage two daughters were born in the year 1998. The accused persons were her in-laws. On 21.04.2000, the husband of the Opposite Party No. 2 was killed on account of which she instituted Agrer P.S. Case No. 238 of 2000 (S.Tr. No. 202 of 2001) against her in-laws. They then started torturing her and ousted her from the matrimonial home on account of which she filed Complaint Case No. 88 of 2002 which was compromised between the parties under duress. As per the compromise, the Petitioner No. 1 was to give Rs. 1,000/- per month to both of her daughters and deposit Rs. 1,00,000/- each in their name as also undertook to give her share in the property. But the accused persons refused to honour the terms of the compromise and did not allow her to live in the house.

The allegations in the Complaint having been considered none of the ingredients of Section 498A IPC is made out. It is apparent that the Complainant is aggrieved only over her share of the property and not being able to live in her matrimonial home along with her two daughters.

On the other hand, the Counsel for the

Complainant submits that since the Petitioners were in-laws and were not honouring of the terms of agreement they should be put on trial.

Having gone through the contents of the Complaint, I am inclined to hold that no criminal offence is made out.

Hence, the proceeding including the order dated 09.07.2013 by which the Ad hoc Additional Sessions Judge-I, Rohtas at Sasaram in Cr. Rev. No. 108 of 2012 set aside the order of cognizance dated 14.02.2012 passed by the Judicial Magistrate, 1st Class, Rohtas at Sasaram in Complaint Case No. 1171 of 2011 (Tr. No. 1659 of 2011) is, hereby, set aside so far as the Petitioners No. 2 to 4 is concerned.

The Application stands allowed.

However, this order shall not give undue advantage to any of the parties.

Vikash/-

(Anjana Prakash, J.)

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