

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9064 of 2013

Arising Out of PS.Case No. -196 Year- 2011 Thana -BHOJPUR COMPLAINT CASE District- -

- =====
1. Madan Singh son of Ripu Daman Singh
 2. Santosh Singh @ Rai @ Santosh son of Ripu Daman Singh
 3. Usha Singh daughter of Ripu Daman Singh
 4. Manju Singh daughter of Ripu Daman Singh, all resident of Behind Maida Mill, Kanchanpur, P.S. Adhartal, District- Jabbalpur (M.P.)
 5. Ripu Daman Singh @ Ripu Singh son of Rameshwar Singh, resident of TISCO Flat No. 32 XIIth Floor, Mitti Chowk Mudaiadih, P.S. Sitkodi, District Jamshedpur (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar
2. Mamta Devi wife of Madan Singh, daughter of Raghubansh Rai, resident of Padura, P.S. Agiaon Bajar, District Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Narendra Kumar
Mr. Dharendra Singh

For the Opposite Party No.1 : Mr. Amit Kr. Rakesh, APP

For the Opposite Party No.2 : Mr. Sanjeev Kumar
Mr. Amrendra Kumar

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

6 09-07-2015

Heard.

The present application has been filed under Section 482 Cr. P. C. for quashing the order dated 21.09.2011 passed in Trial No.3033 of 2011 corresponding to Complaint Case No.196(C) of 2011 by the learned S.D.J.M., Ara, whereby cognizance has been taken under Section 498A of the Indian Penal Code and section 3/4 of the Dowry Prohibition Act and summons have been issued to the accused persons for facing trial. Indisputably, the petitioner no.1 happens to be the husband of the complainant Mamta Devi and petitioner no. 2 to 5 are her in-laws.

Learned counsel appearing on behalf of the petitioners submits that the opposite party no.2 has lodged two cases against the accused persons for the same occurrence i.e. one at Jabbalpur

and other in the State of Bihar. Therefore, according to him, the impugned order taking cognizance is bad in law.

Submissions made on behalf of the petitioners are completely misconceived and untenable. From perusal of the F.I.R. vide Annexure-2 lodged at Jabbalpur it is apparent that a criminal case was lodged with respect to occurrence said to have taken place between 06.07.2010 to 06.08.2010 and the case was lodged on 06.08.2010. However, on perusal of the complaint petition vide Annexure-1, it appears that this was filed with respect to different occurrence said to have taken place subsequently. There is no co-relation between the occurrence said to have taken place at Jabbalpur and occurrence said to have taken place in the State of Bihar. The present complaint petition was filed in the year 2011. The prosecution launched by the opposite party no.2 against the accused petitioners in the aforesaid complaint case vide Annexure-1 and the F.I.R. vide Annexure-2 are not with respect to same and common occurrence. That being the factual position, the impugned order taking cognizance cannot be legally faulted.

In the result, the application has to fail and is, accordingly, dismissed.

The order of stay passed on 10.01.2014 by a Bench of this Court stands vacated.

(Birendra Prasad Verma, J)

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