

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28844 of 2012

Arising Out of PS.Case No. -869 Year- 2010 Thana -null District- BHAGALPUR

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1. Kamla Singh @ Kamla Kumari Singh, wife of late Chandra Mani Singh
 2. Madhuri Singh @ Mehta, wife of Shashi Bhushan Singh
 3. Phani Bhushan Singh, son of late Chandra Mani Singh

All resident of Mohalla Ishakchak, near Kali Asthan, P.S. Ishakchak, Distt. Bhagalpur but Petitioner No. 3 presently resides at Ground Floor, Julie Bagh Apartment, Pandeshwar, Manglore

.... Petitioner/s

Versus

1. Smt. Madhu Kumari @ Singh, wife of Phani Bhushan Singh, resident at Geeta Sadan, S.K. Tarafdar Road, Opposite P.W.D. Office, Adampur, Bhagalpur, Distt. Bhagalpur.
2. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. P.K. Dubey, Adv.

Mr. Alka Dubey, Adv.

For the State : Mr. T. Sharma, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 05-05-2015

Heard learned counsel for the Petitioners and the State.

The Petitioner No. 3 is permitted to withdraw the application to avail his other remedies in accordance with law.

The Petitioners No. 1 and 2 who happen to be the parents-in-law of the Complainant seek quashing of the order dated 19.1.2012 by which the Chief Judicial Magistrate, Bhagalpur, has taken cognizance in Complaint Case no. 1944 of 2010 arising out of Kotwali P.S. Case No. 869 of 2010.

The case of the Complainant is that she was married to Petitioner No. 3 but her husband did not behave properly with her.



Thereafter, a boy child was born to them on 15.2.2007. She learnt that her husband was having an illicit relationship with another lady and when she objected, she was beaten up by her husband and other inmates of the house. Her husband was working in Manglore where she went on 23.5.2010 but the husband stopped her from entering the Flat on the ground that he had married another lady. Several rounds of Panchayati were held but to no avail and, hence, the present First Information Report.

It has been submitted on behalf of the Petitioners who are mother-in-law and sister-in-law of the Complainant that evidently, from the narrative of the Complaint petition itself, it appears that the Complainant was aggrieved with the behaviour of her husband, who allegedly was having an illicit relationship with other lady and had also married someone. In such circumstances, the belated allegations showing the complicity of the present Petitioners is not only trumped up but also with a view to wreak vengeance upon the family. Initially, a First Information Report was instituted on such allegation which ended in Final Report but the case proceeded on protest-cum-complaint petition.

On the other hand, the counsel for the Complainant submits that the Petitioners had also participated in humiliating the Complainant when her relationship with her husband soured, and,

hence, they should be put on trial.

In view of the nature of allegations, I am of the opinion that the ingredients of Section 498A are not satisfied and, hence, application against the Petitioners No. 1 and 2 is unwarranted and deserves to be set aside.

The application stands allowed and the Proceeding including the order dated 19.1.2012 passed by the Chief Judicial Magistrate, Bhagalpur, in Complaint Case no. 1944 of 2010 arising out of Kotwali P.S. Case No. 869 of 2010, so far as the Petitioners No. 1 and 2 are concerned, is hereby set aside.

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(Anjana Prakash, J)

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