

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42426 of 2012

1. Rajani Devi @ Rajani Prabha W/O Ramji Prasad @ Ramuji Resident Of
Mohalla- Tikia Toli, Musallahpur Hat, P.O.- Mahendru, P.S.- Sultanganj,
Dist.- Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. Reshma Kumari @ Juli W/O Sri Santosh Kuamr And D/O Sri Upendra
Kumar Gupta R/O Mohalla- Shivpur Tikia Toli, Musallahpur Hat, P.S.-
Sultanganj, P.O.- Mahendru, Dist.- Patna, At Present Residing At Mohalla-
Jhingnagar, P.O.- Biharsharif, P.S.- Bihar, Dist.- Nalanda

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishore Prasad Singh
For the Opposite Party/s : Mr. Md.Sufiyan (App)

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

3 14-05-2015 Opposite party no.2 is the daughter-in-law of the
petitioner herein. On the basis of a complaint submitted by
opposite party no.2 before it ,the court of Chief Judicial
Magistrate, Nalanda, Biharshariff, took cognizance against the
petitioner for the offence punishable under section 498(A)/34 of
the Indian Penal Code. This criminal miscellaneous application is
filed with a prayer to quash the said order.

2. Learned counsel for the petitioner submits that opposite
party no.2 filed a complaint alleging harassment, but on 8-5-2011
she filed a petition(Annexure-5) stating that there are no subsisting
dispute and everything has been settled. He submits that in the

complaint itself, opposite party no.2 stated that her husband took her to Delhi, and on 23-2-2012 she has been beaten at Delhi by a woman by name Manjit Kaur, and though nowhere in the complaint any specific acts were alleged against the petitioner, cognizance was taken against her.

3. Learned counsel for opposite party no.2 submits that not only cognizance was taken, but also charges were framed and the trial is in progress, and at this stage, the proceeding cannot be quashed. He further submits that opposite party no.2 has been subjected to harassment by the petitioner in several ways and the same come out in the trial.

4. This Court has carefully gone through the complaint filed by opposite party no.2 as well as the order through which cognizance was taken. Opposite party no.2 in her petition dated 8-5-2011(Annexure-5) has accepted that there is no subsisting dispute between herself and her husband.

5. In her complaint submitted before the trial court, opposite party no.2, no doubt, has made a mention of the events that occurred ever since the marriage has taken place. However, emphasis was about the incident that is said to have taken place on 23-2-2012 at Delhi wherein she has been beaten by her husband, by name Manjit Kaur. Even if that is true that the

harassment can be said to be by her husband, the petitioner does not come into picture anywhere.

6. Therefore, this criminal miscellaneous application is allowed and the proceedings in Complaint Case No. 411(C)/2012,Tr.No. 3623 of 2012 so far as it relates to the petitioner are quashed.

(L. Narasimha Reddy,CJ)

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