

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5408 of 2013

Arising Out of PS.Case No. -24 Year- 2011 Thana -AURANGABAD COMPLAINT CASE District-
AURANGABAD

- =====
1. Lallu Pandit, Son of Late Mahabir Pandit.
 2. Indu Devi, Wife of Lallu Pandit.
 3. Sunil Kumar, Son of Lallu Pandit.
 4. Raj Kumar Pandit, Son of Lallu Pandit.
All residents of Mohalla Jai Prakash Nagar, Patna Ward No. 21, P.S. Jakkanpur, District Patna.
 5. Manju Devi, Daughter of Lallu Pandit, Wife of Dinesh Pandit, Resident of Mohalla Jay Prakash Nagar, Patna, Ward No. 21, P.S. Jakkanpur, District Patna, at present Adarsh Nagar, Haldoui, Greated NOIDA, District Gautam Budha Nagar, Uttar Pradesh.

.... Petitioners

Versus

1. The State of Bihar.
2. Rekha Devi, Wife of Sri Bishundeo Singh, Resident of Village Mangu Bigha, P.S. Haspura, District Aurangabad.

.... Opposite Parties

=====

Appearance :

For the Petitioners : Shri Manoj Kumar Pandey, Advocate
For the State : Shri Rajendra Singh Shastri, APP

=====

CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

4 05-05-2015

Heard.

The petitioners seek quashing of order of summoning dated 28.04.2011 passed by the learned S.D.J.M., Daudnagar, Aurangabad in Complaint Case No. 24 of 2011 by which the petitioners were directed to appear and take their trial for committing offences under Section 498A of the Indian Penal Code.

Most of the facts are undisputed. The parties were married and the marriage was solemnized out of their own free will by swearing affidavits before the notary public. It appears

that the rituals of the marriage were performed in a temple which has been described in paragraph-3 of the complaint petition at Dudheswar Nath Mahadeo Mandir, Deokund in the district of Aurangabad on 28.04.2010.

It is stated by the complainant that a Hero Honda Splendor Motorcycle was given by her parents to the husband and during the course of the marriage the lady begot a girl child whereafter the present petitioners started demanding Rs. 1,00,000/- as dowry to be brought by her. In spite of the fact that her parents had given furniture, clothes etc. out of love and affection for the lady, it was stated by the complainant that she refused bringing the dowry and on that account she was tortured. It was stated that on 20.12.2010 the husband and her father Lallu Pandit came to the house of the parents of the lady for demanding additional dowry and threatened of dire consequences and lastly on 25.12.2012 the accused persons closed the lady inside a room deprived of her meals and assaulted her. She was asked to bring an amount of Rs. 1,00,000/- from her parents else she was threatened of being thrown at the railway track in order to be killed. It was lastly alleged by the lady that she was allegedly thrown out of the matrimonial house on 08.01.2011 after being deprived of her little girl child.

The learned Magistrate who passed the impugned



order noted in his order that after perusing the statement of the complainant of S.A. and statement of the witnesses during trial as also documentary evidence he found ground sufficient to direct the issuance of summons and the appearance of the petitioners before him for being tried for committing offences under Section 498A of the Indian Penal Code. Except the petition of complaint and the order of summoning passed by the court below, the petitioners have not placed on record the deposition sheets of witnesses who were examined under Section 202 Cr.P.C. However, while I was perusing the petition of complaint I found out that allegations were appearing only against the husband Guddu Kumar and his father Lallu Pandit. A general allegation was made at the very end of the petition of complaint that all accused persons snatched the child from her lap and threw her from her matrimonial house. It is by now well known that while filing complaint petition in respect of offences under Section 498A of the Indian Penal Code, not only the husband and his parents but also some of the innocent family members, like, the unmarried sisters and wives of the brothers of the husband are also rotten. The purpose of implicating the other family members besides the husband and his parents is to put criminal pressure upon the husband and his parents so as to satiate a sense of vengeance which generally occupies the mind of the complainant

or her parents in such cases. Indu Devi is the mother of the husband while Sunil Kumar and Raj Kumar Pandit are his elder brothers. Manju Devi is the sister of the husband and she was already married to one Dinesh Pandit. On scanning through the allegations made in the petition of complaint, I could not find any allegations appearing against the four petitioners, namely, Indu Devi, Sunil Kumar, Raj Kumar Pandit and Manju Devi and in that view their prosecution in my view is an abuse of the process of the law.

In the result, the petition is allowed as regards petitioners Indu Devi, Sunil Kumar, Raj Kumar Pandit and Manju Devi by quashing the summoning order dated 28.04.2011 passed in Complaint Case No. 24 of 2011 in their respect. Trial of Lallu Pandit shall continue with the husband of the complainant Guddu Kumar.

The petition stands disposed of in the aforesaid terms.

(Dharnidhar Jha, J.)

Sanjay/-

U		T	
---	--	---	--