

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42741 of 2012

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1. Gauri Shankar Tiwari S/O Late Indradeo Tiwari Resident Of Village- Jihuli, P.S.- Patahi, Dist.- East Champaran (Motihari), Bihar
 2. Jagtaran Devi W/O Gauri Shankar Tiwari Resident Of Village- Jihuli, P.S.- Patahi, Dist.- East Champaran (Motihari), Bihar
 3. Prem Shankar Tiwari S/O Late Indradeo Tiwari Resident Of Village- Jihuli, P.S.- Patahi, Dist.- East Champaran (Motihari), Bihar
 4. Dharmsheela Devi W/O Prem Shankar Tiwari Resident Of Village- Jihuli, P.S.- Patahi, Dist.- East Champaran (Motihari), Bihar
 5. Satyendra Tiwari S/O Sri Gauri Shankar Tiwari Resident Of Village- Jihuli, P.S.- Patahi, Dist.- East Champaran (Motihari), Bihar
 6. Dharmendra Tiwari @ Dharmendra Shashtri S/O Sri Gauri Shankar Tiwari Resident Of Village- Jihuli, P.S.- Patahi, Dist.- East Champaran (Motihari), Bihar
 7. Amrendra Tiwari S/O Sri Gauri Shankar Tiwari Resident Of Village- Jihuli, P.S.- Patahi, Dist.- East Champaran (Motihari)
 8. Malti Devi W/O Sri Satyendra Tiwari Resident Of Village- Jihuli, P.S.- Patahi, Dist.- East Champaran (Motihari), Bihar
 9. Priyanka Devi W/O Sri Om Prakash Mishra, D/O Sri Prem Shankar Tiwari Resident Of Village- Shampur Bataha, P.S.- Shampur Bataha, Dist.- Sheohar (Bihar)
 10. Ranju Kumari @ Sakshi Vijay D/O Sri Raman Mishra Resident Of Village- Dekhalpur, P.S.- Darbhanga, Dist.- Darbhanga (Bihar)
 11. Raman Mishra @ Amar Kant Jha S/O Lat Puruplal Jha Resident Of Village- Dekhalpur, P.S.- Darbhanga, Dist.- Darbhanga (Bihar)

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sunita Devi W/O Sri Jitendra Tiwari, D/O Sri Rambhajan Tiwari Resident Of Village- Jihuli, P.S.- Patahi, Dist.- East Champaran (Motihari), Presently Resident Of Village- Gawandi Parsauni, P.S.- Phenara, Dist.- East Champaran (Motihari)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Madhuri Lata
M/s. Manish Kumar, Nand Lal Kr. Singh
For the Opposite Party/ : Mr. Aditya Nr.Singh 1,APP

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER



along with the husband of the 2nd respondent herein in a complaint filed before the court of Sub Divisional Judicial Magistrate, Motihari, in Tr. No. 2422/2011. The 2nd respondent alleged that her husband by name Jitendra Tiwari, her in-laws petitioner nos. 1 and 2, and other relatives harassed her physically and mentally. The trial court took cognizance of the same through its order dated 21.5.2011. The said order is challenged in this petition filed under Section 482 Cr.P.C.

It is pleaded that the dispute was mainly between the 2nd respondent and her husband and with a view to bring pressure for resolution thereof, not only the family members but also, those outside the family were implicated.

Heard Smt. Madhuri Lata, learned counsel for the petitioners and Shri Aditya Narain Singh, learned APP.

Having regard to the nature of disposal that is being given in the petition, this Court does not feel it necessary to issue notice to the 2nd respondent.

It is well known that Section 498A of the Indian Penal Code has been pressed into service not only against the concerned spouses but also the entire family of in-laws, including the married daughters and their spouses. Time and again the Hon'ble Supreme Court deprecated such practice and in many cases quashed such proceeding to the extent that they are against persons who are unrelated to the disputes between the spouses.

In the instant case as many as 12 accused were shown in the private complaint. This Court would have certainly gone into the merits into certain extent, on hearing the 2nd respondent by this time. The petition was filed in 2012 itself and there is no justification in keeping it pending further. It is brought

that the charges have been framed and the trial is in progress. It would serve the interest of the petitioners, if the trial court is directed not to insist upon the presence of any of the petitioners and the case is disposed of within a period of three months.

The petition is accordingly disposed of directing that the trial court shall not insist upon the physical appearance of the petitioners in Tr. No.2422/2011 and the case itself shall be disposed of within three months from the date of receipt of a copy of this order.

This application accordingly stands disposed of.

(L. Narasimha Reddy,CJ)

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