

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33225 of 2014

Arising Out of PS.Case No. -138 Year- 2013 Thana -BIRAUL District- DARBHANGA

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1. Indradeo Singh @ I.D. Singh son of Late Surya Narayan Singh .
 2. Godavari Devi, wife of Indradeo Singh @ I.D. Singh, Both Originally resident of village- Afzala Biraul , P.S. Biraul, District - Darbhanga, at present residing at Mohalla - Ayachi Shahganj, Benta, P.S Leherisarai, District - Darbhanga .
 3. Gyanda Kumari, wife of Prabhat Kumar Singh, Resident of village -Usra, P.S. Biraul, District - Darbhanga.
 4. Satendra Narayan Singh @ Satendra Singh son of Sita Ram Singh
 5. Kumari Soni @ Mini Kumari, wife of Satendra Narayan Singh @ Satendra Singh., Both Resident of village -Gora,P.S. Jamalpur, District - Darbhanga. at present village - Sarisopahi ,P.S . Pandul , District - Madhubani .

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rina Singh, wife of Sanjay Singh @ Deepak Singh, Daughter of Surendra Singh, Resident of village - Supaul Bazar , P.S. Biraul , District Darbhanga

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Reebha Kumari, Advocate
For the State : Mr. Umeshanand Pandit, APP
For Opposite Party No.2 : Mr. A.K. Divedi, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 23-07-2015

The Petitioners, who are the in-laws, seek quashing of the order of cognizance dated 21.1.2014 passed by the S.D.J.M., Biraul at Benipur in G.R. No.483 of 2013 arising out of Biraul P.S. case No.138 of 2013.

The case of the Informant is that she had married Sanjay Singh @ Deepak Singh, son of Petitioners No.1 and 2, on 19.4.2006. After marriage she became pregnant but the in-laws started



demanding dowry, which demands she warded of for the present. She and her husband both were assaulted along with their child and thrown out of the house. In the year 2008 her father retired, so the in-laws started demanding money from the retirement dues and warned her to vacate the house and one date she saw her father-in-law and sister-in-law in compromising position, so she threatened to expose them. Her father-in-law did not say anything but left with his wife and sister-in-law for Patna. During the stay at Patna her sister-in-law (Nanad) got a job suspiciously in the Panchayat as Panchayat Shikshak, which was a subject of enquiry. Within a period of four years her father-in-law sold off the ancestral property and wanted to sell the house in which they were staying. The father and daughter did not come to Supaul because everyone knew about the relationship. They keep complaining about the Informant and her husband to any Officer, who is posted there. Unknown persons were sent to threaten them also. False petitions have been given to various authorities to just harass them. On 12.5.2013 her father-in-law took strong action against them for vacating the house and hence the present First Information Report.

It has been submitted on behalf of the Petitioners that evidently on going through the First Information Report the dispute appears to be more over property and the right of residence of the

Informant and her husband in the house. These allegations do not make out a criminal offence.

On the other hand, the Counsel for the Informant submits that since the Petitioners were demanding dowry, they should be put on trial.

Having gone through the First Information Report as mentioned above, I am inclined to express my reservations at the offence under Section 498A I.P.C. being made out. The reason for grouse is obviously property and rest of allegations appear to be only foisted with the reason to bring the Petitioners before a criminal court.

Hence, the application is allowed and the proceeding including the order of cognizance dated 21.1.2014 passed by the S.D.J.M., Biraul at Benipur in G.R. No.483 of 2013 arising out of Biraul P.S. case No.138 of 2013 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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