

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51380 of 2013

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KUMARI ANITA @ SUNITA @ ANITA DEVI WIFE OF SUBODH KUMAR D/O BISHUNDEO PRASAD, RESIDENT OF VILLAGE GOPALPUR POST OFFICE MAHUAWAN, POLICE STATION KATEYA, DISTRICT GOPALGANJ **Petitioner**

Versus

1. THE STATE OF BIHAR THROUGH THE DISTRICT EDUCATION OFFICER, GOPALGANJ, DISTRICT GOPALGANJ
 2. DEO, GOPALGANJ
 3. BEO, KATEYA, GOPALGANJ
 4. THE HEAD MASTER, PRIMARY SCHOOL, AMEYA EAST, BLOCK KATEYA, DISTRICT GOPALGANJ **..opposite party 1st set**
 5. DR.JAMADAR PRASAD RANJAN @ DR.JAMINDAR PD.RANJAN
 6. SANJEEV KUMAR SON OF DR JAMADAR PRASAD RANJAN
 7. VEENA DERVI WIFE OF DR JAMADAR PRASAD RANJAN
 8. NEETU KUMARI DAUGHTER OF DR.JAMADAR PRASAD RANJAN, ALL 5 TO 8 RESIDENT OF MUHALLA AAMGOLA KHAJUN BANI, POST OFFICE RAMNA POLICE STATION QUAZI MUHAMMADPUR, MUZAFFARPUR **.. opposite party 2nd set**
 9. THE GRAM PANCHAYAT RAJ AMEYA THROUGH ITS SECRETARY AT AMEYA, BLOCK KATEYA, DISTRICT GOPALGANJ
 10. SECRETARY GRAM PANCHAYAT RAJ AMEYA BLOCK KATEYA
 11. THE MUKHIYA GRAM PANCHAYAT RAJ AMEYA, BLOCK KATEYA, GOPALGANJ **.... opposite Party 3rd set**
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Appearance :

For the Petitioner : Mr. Sanjay Kumar Pandey No-5
For the Opposite Parties : Mr. C.Sen.Pd.Singh(APP)

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 06-01-2015 Opposite parties 5 to 8 filed Cr.Misc.No. 14706 of 2011 for quashing order taking cognizance against them for offences under sections 498A IPC and sections 34 of the Dowry Prohibition Act arising out of Complaint case no. 2938 of 2008 giving rise to Tr.No.2341 of 2010. The learned judge vide his order dated 13.8.2013 dismissed the application of opposite

parties no.1 and 3, namely, Dr.Jamadar Prasad Ranjan and Veena Devi, who are father in law and mother in law of the complainant (the petitioner in the instant case), as withdrawn. The learned judge however allowed the application of opposite parties no.6 and 8, namely, Sanjeev Kumar and Neetu Kumari, quashing the order of cognizance against them. Order dated 13.8.2013, passed by Hon'ble Mr. Justice Mandhata Singh, as he then was, reads as follows:-

“Learned counsel for the petitioners seeks permission to withdraw the application of petitioners no.1 and 3.

Such permission is accorded.

Accordingly, the application of petitioners no. 1 and 3 is dismissed as withdrawn with liberty to raise the points at the appropriate stage before the trial Court.

Heard learned counsel for the petitioners and learned counsel for the state.

Torture for demand of dowry is the allegation. Submission on behalf of learned counsel for the petitioners is that they (petitioners no.2 and 4) are brother-in-law (Dewar) and sister-in-law (Nanad) of the complainant. Every allegation is leveled against this petitioner along with others in general and omnibus but there are some specifications also to indicate that real differences of the complainant was with her husband or her father-in-law. In para-5, it is said that when there was negotiation by maika people, accused no.2 agreed to keep the complainant for some days and in para-6, when she was ousted, she caught legs of accused no.2. His further submission is that they have no concern with affair of the complainant with her husband or father-in-law. Taking the same into consideration, this quashing application is allowed. The impugned order dated 10.02.2009 passed by learned S.D.J.M., Gopalganj in C.R. No. 2938 of 2008, T.R. No. 2341 of 2010 is hereby quashed.”

The petitioner has filed the instant application for review of said order dated 13.8.2013 on the ground that the same has been obtained on basis of forged documents contained in Annexure 4 series.

I find that the petition for quashing the order of cognizance against opposite parties no.1 and 3, namely, Dr.Jamadar Prasad Ranjan and Veena Devi, who are father in law and mother in law of the petitioner, was dismissed as withdrawn, whereas petition against opposite parties no.6 and 8, namely, Sanjeev Kumar and Neetu Kumari, were allowed.

As the learned judge had allowed the petition to be withdrawn against opposite parties no.1 and 3, namely, Dr.Jamadar Prasad Ranjan and Veena Devi, I do not find that the petitioner (complaint) has made out any case for recall of the order dated 13.8.2013, passed in their respect.

However, so far as opposite parties no.6 and 8, namely, Sanjeev Kumar and Neetu Kumari are concerned against whom the quashing petition had been allowed vide order dated 13.8.2013, if the petitioner claims that (a) Annexure 4 series contained in the said writ petition, are forged documents, and (b) the statement of opposite parties that she (petitioner) was a Panchayat Teacher in Government primary School,

Ameya East and due to this reason she was residing in her Maika and was not interested in joining her Matrimonial home at Muzaffarpur is incorrect, it would be open for her to file complaint before appropriate forum, which will be duly considered in accordance with law after providing due opportunity to the other side.

With the aforesaid liberty, the application is disposed of.

(Samarendra Pratap Singh, J)

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