

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41954 of 2015

Arising Out of PS.Case No. -2266 Year- 2012 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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1. Shrikanti Devi, Wife of Late Harendra Chodhary, Resident of village -
Buxa, Police Station - Sugauli, District - East Champaran at Motihari

.... Petitioner

Versus

1. The State of Bihar

2. Rista Kumari @ Arati Devi, Wife of Deepak Chaudhary

3. Birendra Choudhary, Son of Paras Choudhary

4. Ranjan Choudhary, Son of Mot Choudhary

5. Sanjay Chudhary, Son of Surendra Choudhary, 2 to 5 are resident of
village - Buxa, Police Station - Sugauli, District - East Champaran at
Motihari

6. Shambhu Dubey, Son of Lakshan Dubey, Resident of Village - Fulwar,
Police Station - Banjariya, District - East Champaran Opposite Parties

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Appearance :

For the Petitioner : Mr. Binay Kumar, Adv.

For the Opposite Parties : Mr. Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD

ORAL ORDER

2 12-05-2016

Heard the learned counsel for the petitioner and the
State.

This is a petition for quashing the order, dated
08.09.2014, passed by the Additional Sessions Judge, IV, East
Champaran at Motihari, in Criminal Revision No. 133 of 2013/16
of 2014, by which he has dismissed the complaint under Section
203 of the Criminal Procedure Code.

The complainant is the mother-in-law and the
accused is daughter-in-law and her naiher people and it is alleged
that the daughter-in-law, the wife of the son of the complainant,
use to demand money from her husband and even pressurized and
threaten him with dire consequence, if the money is not given to
her father, and, further, she used to subject him to cruelty and
accused 2, 3, 4 and 5 used to abet the wife of the deceased
husband. The case has been lodged under Section 306 of the
Penal Code.

The learned Magistrate on taking into consideration
the complaint as well as the statement of the complainant, on oath,
and other witnesses found the present case false by the

investigating officer and it also transpires that the daughter-in-law had lodged a case against the complainant for which charge has been submitted and held that mere demand of money for father is not sufficient reason to commit suicide for abetment for offence under Section 306 of the Penal Code and, further, the allegation, made, appears to be highly improbable and dismissed the complaint.

The order was challenged before the revisional Court. The revisional Court also taken into consideration and the Court found that it is not required interference in the impugned order and dismissed the revision petition. Now the challenge has been made under Section 482 of the Criminal Procedure Code before this Court.

However, taking into consideration of the fact, it appears that mother-in-law and daughter-in-law, after the death of the husband, made allegation on each other which is quite vague. The husband committed suicide as the wife was pressurizing him for the demand. However, it is normal feature that wife demands money from her husband, hence, it is highly improbable that the husband will commit suicide for the reason that the wife demands money. However, there is no specific mention of the act and subjecting cruelty mentioned either in the complaint or in the statement of the complainant, on oath, and other witnesses.

Hence, I do not find any merit to interfere with the order.

This petition is **dismissed**.

(Gopal Prasad, J)

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