

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12411 of 2014

Arising Out of PS.Case No. -1244 Year- 2013 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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1. Markandey Pandey Son Of Late Parmanand Pandey
 2. Karnawati Devi Wife Of Shri Markandey Pandey
 3. Mukesh Pandey Son Of Of Shri Markandey Pandey
 4. Rani Devi Wife Of Shri Mukesh Pandey
 5. Amresh Pandey @ Laddu @ Amresh Kumar Pandey Son Of Shri Markandey Pandey All Are Residents Of Village- Ratanpur, P.S.- Raxaul, District- East Champaran, At Present Residing At Raxaul Koyeeri Tola Ward No.25 (Near Nagarpalika Office), P.S.- Raxaul, District East Champaran
 6. Murali Tiwari Son Of Late Bhagan Tiwari, Resident Of Village- Nautan, P.S.- Majhaulia, District- West Champaran

.... Petitioner/s

Versus

1. The State Of Bihar
2. Archana @ Sundaram Devi Wife Of Brijesh Pandey, Daughter Of Radha Raman Tiwari, Resident Of Village Raxaul Koyeeri Tola Ward No.25, P.S.- Raxaul, District- East Champaran, At Present Residing At Patbandi, P.S.- Majhaulia, District- West Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Anil Pd. Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

6 19-11-2016 Heard learned counsel for the petitioner, learned APP

for the State as well as learned counsel appearing for the O.P.

No.2/complainant.

2. As is evident the litigation happens to be amongst the spouses. Perceiving the activity of the accused persons pre-judicious to the interest of the complainant, instant complaint has been filed with a particular narration with regard to part played at the end of individual accused while O.P. No.2/complainant was

enjoying his marital life staying at her Sasural.

3. Relationship turned ugly after getting employment of husband, Brajesh Pandey whereupon coercion was inflicted for saturation of further demand and further, it has also been averred over apprehension perceived by the complainant over re-marriage of the husband. From order dated 13.01.2015 passed in Cr. Misc. No. 24611/2014 the attitude of the husband is found duly exposed and in the aforesaid background, the learned counsel for the petitioner has rightly withdrawn the petition having been file on his behalf.

4. So far as present petition is concerned, that has been filed on behalf of father-in-law, mother-in-law, brother-in-law, sister-in-law as well as father of sister-in-law against the order of cognizance dated 12.02.2014 passed by SDJM, West Champaran at Bettiah in Compliant Case No. 1244C/2013.

5. Activity of the complainant and her side while launching a prosecution under Section 498A of the IPC have been taken into consideration by the Hon'ble Apex Court whereby it has been consistently held that in case, there happens to be specific allegation attributed to the family members, then in that event, the order of the cognizance relating to them should not be quashed, otherwise, the same be quashed as, apart from cause of

harassment, revengeful action at the end of complainant was also not ruled out. The narration of the complaint petition as well as statement of the witnesses having annexed under Annexure-2 have been properly scrutinized in toe with the principle laid down by the Hon'ble Apex Court whereupon it is found that the order impugned needs interference with regard to the petitioners, Mukesh Pandey, Rani Devi, Amresh Pandey @ Laddu @ Amresh Kumar Pandey and Murali Tiwari.

6. Consequent thereupon, order impugned relating to them are, hereby, quashed and the instant petition is allowed to their extent.

7. However, the instant petition relating to the petitioners, Markandey Pandey and Karnawati Devi is found deficient one and is, accordingly, dismissed.

8. The stay so granted vide order dated 13.03.2014 is, hereby, recalled in the aforesaid terms.

(Aditya Kumar Trivedi, J)

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