

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 45921 of 2014

Arising out of P.S. Case No. -2743 Year- 2011 Thana -
GOPALGANJ COMPLAINT CASE District- GOPALGANJ

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1. Dinesh Kumar Son of Late Om Veer Singh.
 2. Charno Devi @ Surekha Devi Wife of Late Satish Chandra.
 3. Prakashhi @ Prakashhi Devi Wife of Late Om Veer Singh.
 4. Maha Singh Son of Mulki Rai @ Kundli.
 5. Savitri Devi @ Kriti Devi Wife of Maha Singh.
 6. Harnandi @ Hari Nandi Wife of Dinesh Kumar All are residents of
Village - Chhalera Bangar, Sector 44, P.S. - Sector 39, District -
Gautam Buddha Nagar (U.P.).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harshvardhan Shivsundaram, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-03-2016

The Petitioners seek quashing of the order of
cognizance dated 22.11.2012 passed by the Judicial
Magistrate, 1st Class, Gopalganj in Complaint Case No.
2743 of 2011.

The case of the Complainant is that on
13.06.1992 she was married to one Brahma Singh and
out of wedlock two children were born. She was kept well
by her in-laws till the year 2008. She opened a Beauty
Parlour and out of its income she got constructed two
buildings. Her husband was not fully mature so the
Petitioner No. 1 and Petitioner No. 3 instigated him to



torture her on account of which she was ousted from the matrimonial home. Later on she learnt that the property was sold by her husband in connivance with the Petitioners. They also got her husband to file divorce suit and did not allow her to meet him. They registered the sale deeds of the aforesaid property by committing forgery and, hence, she filed the present Complaint.

It has been submitted on behalf of the Petitioners that Petitioner No. 1 is the nephew of the ex-husband of the Complainant, Brahma Singh whereas Petitioner No. 2 is the widowed "Bhabhi" of Petitioner No. 1, Petitioner No. 3 is the mother, Petitioner No. 4 is brother-in-law (Bahnoi), Petitioner No. 5 is married sister and Petitioner No. 6 is wife of Petitioner No. 1.

In fact, the Petitioners No. 1 and 2 had purchased immovable property of the ex-husband of the Complainant through registered sale deeds on 19.04.2008. The ex-wife having come to know of it tried to claim title over the same by making false allegations that she was the one who had built the property. In fact, the Complainant had deserted her husband in the year 2006 itself and was not living with him and they were subsequently divorced.

Counsel for the Complainant submits that the Petitioners deprived her of her original share in the

property they should be put on trial.

Having considered the nature of allegations, I am unable to convince myself that any criminal offence is made out in the facts of the case and, hence, the proceeding including the order of cognizance dated 22.11.2012 passed by the Judicial Magistrate, 1st Class, Gopalganj in Complaint Case No. 2743 of 2011 is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J.)

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