

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26728 of 2013

Arising Out of PS.Case No. -1393 Year- 2011 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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1. Mahabir Prasad S/O Late Rameshwr Sao
2. Raj Kumari Devi W/O Mahabir Prasad
3. Renu Kumari D/O Shri Mahabir Prasad
4. Neha Kumari D/O Shri Mahabir Prasad
All Resident Of Mohalla- Bahadurpur Housing Colony, Behind Janta Flate,
Block No.-7, House No.-34, P.S.- Agam Kuan, Distt.- Patna.
5. Reena Devi W/O Vikash Kumar Resident Of Mohalla- Kankarbagh,
Main Road, Gate No.-16, P.S.- Patrakar Nagar, Distt.- Patna
6. Veena Devi W/O Pradeep Kumar Village- Araee Benipur, P.S.-
Daniyawa, Distt.- Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. Rinku Devi @ Monika Kumari W/O Santosh Kumar @ Dilip Kumar
Gupta At Present Resident Of Village- Sarmera, P.S.- Sarmera, Distt.-
Nalanda

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Prasad Singh
For the Opposite Party/s : Mr. Md. Ataur Rahman(App)
Sri Pramod Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 29-11-2016 Heard Sri Binod Prasad Singh, learned counsel for the

petitioners , learned Additional Public Prosecutor as well as Sri

Pramod Kumar Sinha, learned counsel who has appeared on

behalf of the complainant/ opposite party no. 2.

Six petitioners have approached this court invoking its

inherent jurisdiction under Section 482 of the Code of Criminal

Procedure 1973 with a prayer to quash an order dated 12.11.2012

passed by learned Sub Divisional Judicial Magistrate, Nalanda



Bihar Sharif in Complaint Case No. 1393 C of 2011. By the said order after conducting enquiry the learned Magistrate has passed order of cognizance under Section 323 and 498A of the Indian Penal Code and Section 3 and 4 of the Dowry Prohibition Act.

Learned counsel for the petitioners by way of pressing this petition submits that prior to filing of the complaint petition the husband of the complainant and petitioners had already separated since partition had already taken place. According to learned counsel for the petitioners the husband of the complainant had also filed a matrimonial case and thereafter the present petition i.e. complaint was filed. According to learned counsel for the petitioners during pendency of this petition the husband of the complainant /opposite party no. 2 had already left for heavenly abode and thereafter the complainant is adamant to grab the property of the petitioners.

Be that as it may , on perusal of the impugned order which has been passed after conducting thorough enquiry I do not find any apparent error warranting interference.

If so advised , petitioners may take all the pleas which have been taken in the present petition before the court below at appropriate stage.

It goes without saying that if such petition is filed



before the court below at the time of charge, the learned court below without being prejudiced this order may examine the same and pass appropriate order in accordance with law.

(Rakesh Kumar, J)

Praful/-

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