

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No. 28565 of 2013**

Arising Out of PS.Case No. -723 Year- 2011 Thana -PATNA COMPLAINT CASE District-  
PATNA

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1. Most. Nirmala Devi W/O Late Ram Nath Sharma  
2. Nitesh Sharma S/O Late Ram Nath Sharma  
3. Nilu Devi D/O Late Ram Nath Sharma  
All Residents of Village- Gaura Jagdishpur, Police Station- Naubatpur,  
District- Patna

.... .... Petitioners

Versus

1. The State of Bihar  
2. Moni Kumari W/O Munna Kumar, D/O Arbind Singh Resident of  
Village- Sabnima, Police Station- Athmal Gola, District- Patna

.... .... Opposite Parties

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**Appearance :**

For the Petitioner/s : Mr. Abhimanyu Sharma

For the Opposite Party/s : Mr. Madan Kumar (App)

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**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

6. 29-04-2016 Heard Sri Abhimanyu Sharma, learned counsel for  
petitioners and Sri Madan Kumar, learned Addl. Public  
Prosecutor.

Three petitioners have approached this Court  
invoking its inherent jurisdiction under Section 482 of the Code of  
Criminal Procedure, with a prayer to quash an order dated  
02-04-2012 passed by learned Sub-Divisional Judicial Magistrate,  
Barh in Complaint Case No. 723(C) of 2011. By the said order,  
the learned Magistrate has taken cognizance of offence under  
Section 498(A) of the Indian Penal Code and Sections 3 & 4 of the  
Dowry Prohibition Act, 1961.

Learned counsel for petitioners submits that falsely all the family members have been made accused.

Earlier, notice was directed to be issued to opposite party no. 2, however; notice could not be served. Thereafter, by order dated 09-03-2015, at the risk of petitioners, the case was directed to be listed under the heading "For Admission". Thereafter, the matter has been listed.

Learned Addl. Public Prosecutor, by way of referring to averment made in the complaint, states that in the complaint petition itself, there is specific accusation against all the petitioners.

Besides hearing, I have also perused the material on record, including the impugned order. After going through the order impugned, the Court is satisfied that there is no apparent error warranting interference.

Accordingly, the petition stands dismissed.

In view of dismissal of this petition, interim order of stay dated 23-07-2014 stands vacated.

Keeping in view the fact that order of cognizance was passed long back in the year 2012, while dismissing the present petition, it is desirable to direct the court below to proceed with the case expeditiously so that the case may come to its logical end

without unnecessary delay.

Let a copy of this order be sent to the court below  
forthwith.

(Rakesh Kumar, J.)

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