

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11354 of 2015

Arising Out of PS.Case No. -206 Year- 2014 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

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1. Ramotar Paswan S/o Late Ramtusi Paswan
2. Shakuntala Devi W/o Ramotar Paswan
3. Ranveer Kumar Son of Ramotar Paswan. All are resident of Village-
Ambedkar Nagar, P.O. - Lakhminia, P.s. Balia, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar
2. Chanda Kumari@ Manni Kumari daugther of Satyanarayan Paswan
Resident of Village- Ambedkar Tola(Murliganj), P.s.- Balia, District-
Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioners : Mr. Ram Naresh Singh
For the State : Mr. Ajay Kumar-I(APP)
For the O.P. No. 2 : Mr. Pawan Kumar

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

3 08-12-2017 Heard learned Counsel for the petitioners as well as the

learned Counsel for the State as also the learned Counsel appearing
on behalf of the Opposite party No. 2.

Learned Counsel for the petitioners submits that
petitioner No. 1, father-in-law of the complainant is dead and the
remaining petitioners are husband and mother-in-law.

The petitioners seek quashing of the cognizance order
dated 2.12.2014 passed by SDJM Madhepura in Complaint Case No.
206 of 2014, thereby taking cognizance of the offence under Sections
498A, 420 of the IPC and under Section 4 of the Dowry Prohibition
Act.



The brief fact giving rise to the case is that Opposite party No. 2 filed a complaint alleging therein that after her marriage solemnized with Ranveer Kumar, petitioner No. 3, on 14.2.2013 the accused persons started torturing her in connection with further demand of dowry. It is alleged that her husband always used to come in intoxicated condition, used to abuse and assault her and due to his behaviour she got frustrated and called her parents and went back to her parents' home. On the assurance not to repeat such behaviour she came back to her matrimonial home but she was again tortured in connection with further demand of motor vehicle, fridge and Laptop.

Learned Counsel for the petitioners submits that there is no specific allegation against the mother-in-law as well as no question of any demand of four-wheeler and other items as the complainant's husband is a student.

Contrary to that learned Counsel appearing on behalf of Opposite party No. 2 submits that the husband always used to demand dowry and torture the complainant.

Having considered the rival submission and on perusal of the record, the Court finds that there is specific acquisition against Ranveer Kumar, husband of the complainant, but not against the mother-in-law Shakuntala Devi, so entire criminal proceeding inclusive of the cognizance order dated 2.12.2014 passed in Complaint Case No. 206 of 2014 pending in the Court of SDJM Madhepura is set aside with respect to petitioner No. 2 Shakuntala



Devi. However the criminal proceeding will proceed further against the husband Ranveer Kumar in accordance with law.

The application stands disposed of.

(Arun Kumar, J.)

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