

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34375 of 2013

Arising Out of PS.Case No. -177 Year- 2012 Thana -RUPASPUR District- PATNA

=====

1. Padamnath Singh Son Of Alte Parichit Singh Resident Of H.No. 299, Birla Colony, P.O. Phulwari Sharif, P.S. Phulwari Sharif District Patna.
2. Manju Singh @ Manju Devi W/O Padamnath Singh Resident Of H.No. 299, Birla Colony, P.O. Phulwari Sharif, P.S. Phulwari Sharif District Patna.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Rashmi Ranjan D/O Sashi Bhushan Kuamr Permanent R/O Village Udaypur, P.O. Ankuri, Ps. Paliganj, At Present Residing At H. No. A/8m Anand Vihar Colony, Amedker Path, P.S. Rupaspur, District Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sujeet Kumar Gupta

For the Opposite Party/s : Mr. Shardanand Jha(App)

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA

CAV ORDER

12 -01-2017

4. The petitioners have moved this application before this Hon'ble Court under Section 498(A) of the Indian Penal Code and ¾ of the Dowry Prohibition Act and 66 (A), 66 (C) IT Amendment Act, 2008 for quashing the order dated 08.07.2013 passed by the learned A.C.J.M., Danapur in Rupaspur P.S.Case No.177 of 2012 under Section 498(A) of the Indian Penal Code and ¾ of the Dowry Prohibition Act and 66 (A), 66 (C) IT Amendment Act, 2008 and also for quashing the entire criminal proceedings.

The case of the prosecution in short is that the marriage of



Opposite Party No.2 was solemnized with one Amarendra Singh son of Padamnath Singh on 3rd July, 2010 but she was tortured by the petitioners and her husband and other accused persons and the intention behind these acts is demand of a Car. In recent times, her husband hacked her e-mail ID and password and sent messages to the people against her and created her account on facebook and placed illegal photograph and threaten her and her parents from his mobile number, as mentioned in the FIR.

On the basis of the aforesaid Fardbeyan, Rupaspur P.S.Case No.177 of 2012 was instituted and the police submitted charge-sheet against the accused persons under Section 498(A) of the Indian Penal Code and ¾ of the Dowry Prohibition Act and 66 (A), 66 (C) IT Amendment Act, 2008.

It also appears that thereafter the cognizance has been taken under Section 498A IPC and ¾ of the Dowry Prohibition Act, 66(A), 66 (C) of IT amendment Act, 2008.

Now, the petitioners have preferred application for quashing the impugned order dated 08.07.2013 passed by the A.C.J.M., Danapur as well as for quashing entire proceeding



passed in Rupaspur P.S.Case No.177 of 2012.

It has been submitted on behalf of the petitioners that there is no specific allegation against the petitioners in the FIR and the only general and omnibus allegation has been alleged against the petitioners, however, the learned A.C.J.M., Danapur has taken cognizance mechanically without applying his judicial mind.

It has further been submitted that the petitioner no.1 is a retired S.G.T. from Indian Force and the petitioner no.2 is wife of the petitioner no.1 and the whole allegation has been referred against the petitioners only with a view to involve whole family so as to harass the whole family members of the petitioners.

Heard learned A.P.P. also, who has submitted that there are allegations against the petitioners and the police after investigation has submitted charge sheet against the petitioners as well as son of the petitioners and at the time of taking cognizance, as the prima facie materials were found against the accused persons, the order taking cognizance has been passed against the petitioners, hence, there is nothing on the record to show any illegality or error apparent on record in the impugned



order.

Having heard both sides. In view of the facts as stated above and as there are materials available in the case diary and also the police, after investigation, has found the case true against the petitioners as well as the son of the petitioners. Nothing has been pointed out except that the allegations are omnibus against the petitioners to show that either the story was absurd or there is any error apparent on the record in this case.

As such, in my opinion, this is not the proper stage to interfere with the order of the court below. Hence, this application is dismissed with liberty to the petitioners to raise all these pointes at the time of framing of charge.

(Vinod Kumar Sinha, J)

chn/-

U			
---	--	--	--

