

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2494 of 2015

Arising Out of PS.Case No. -745 Year- 2012 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

- =====
1. Sunaina Devi wife of Late Mahendra Paswan.
 2. Menka Devi wife of Tuntun Paswan.
 3. Tuntun Paswan son of late Mahendra Paswan.
 4. Renu Devi D/O Late Mahendra Paswan, all are resident of village-
Fatehpur Pakri, P.S. Mahua, District- Vaishali.

.... Petitioner/s

Versus

1. State of Bihar
2. Kiran Paswan daughter of late Jai Ram Paswan, resident of village/
Mohalla Bashpukur Road, P.S. Kashwa, District Kolkata-42

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan Sinha

For the Opposite Party/s : Mr. Suresh Pd. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 16-03-2017 Heard both sides.

The petitioners filed this petition for quashing the order dated 11.12.2012 by which the learned Judicial Magistrate, Vaishali at Hajipur found prima facie case to proceed against the petitioners under Sections 498A and 494 of the Indian Penal Code and under Section 4 of the Dowry Prohibition Act.

The learned counsel for the petitioners submits that the petitioner no.1-Sunaina Devi is the mother-in-law and the petitioner no.4- Renu Devi is the sister-in-law (Nanad) of the complainant. The petitioner no.2- Menka Devi is the second wife of Tuntun Paswan, the husband of the complainant, and the



petitioner no.3 is the husband of the complainant.

The complainant made specific allegation against the mother-in-law and sister-in-law of the complainant.

On the other hand, learned counsel for the complainant as well as the learned Additional P.P. submitted that the complainant and her witnesses made specific allegation against all the petitioners that they subjected to complainant to all sorts of torture for non-fulfilment of dowry demand. The husband of the complainant also solemnized 2nd marriage and the learned court below after taking into consideration the materials available on record, took cognizance.

Having considered the submissions and the materials available on record it appears that the learned S.D.J.M. has considered the evidence of the complainant and her witnesses and only then found prima facie case under Sections 498A, 494 of the Indian Penal Code and under Section 4 of Dowry Prohibition Act. The learned counsel for the petitioners has not pointed out any illegality in the order impugned. Therefore, I find no merit in this petition.

Accordingly, this petition is dismissed.

(Prabhat Kumar Jha, J)

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