

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32638 of 2014

Arising Out of PS.Case No. -214 Year- 2008 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

- =====
1. Lakshmi Narayan Roy, Tarun, Son of Rajendra Roy
 2. Rajendra Roy Son of Late Nathuni Roy
 3. Chandeshwar Roy Son of Rajendra Roy
 4. Smt Pitambari Devi Wife of Rajendra Roy
 5. Priyesh Ranjan Son of Rajendra Roy All R/o Village and Post Sarangpur P.S. Tajpur, District Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Poonam Roy D/o Ram Narayan Roy, Wife of Lakshmi Narayan Roy R/o Mohalla Anand Nagar, Road No. 1, Gobarsahi, P.S. Sadar, District Muzaffarpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjai Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Sewak Choudhary(App)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 09-08-2017

Heard learned counsel for the parties.

The present petition under Section 482 of the Code of Criminal Procedure has been filed against the order dated 03.12.2011 passed by learned Sub-divisional Judicial Magistrate (East), Muzaffarpur, in Trial No. 1152 of 2014 (arising out of Sadar P. S. Case No. 214 of 2008) by which charges against the petitioners have been framed under Section 498A read with Section 34 of the Indian Penal Code.

The short fact of the case is that a written complaint was filed by the informant on 17.07.2008 before the Officer-in-Charge, Sadar Police Station, Muzaffarpur, on the basis of which an FIR was registered against the petitioners for the offences under Sections 498A r/w Section 34 of the Indian Penal Code. In



the written complaint informant Poonam Roy (opposite party no. 2) alleged that petitioner no. 1 Laxmi Narayan Roy on 12.07.2012 had solemnized marriage with her at Baba Dham Temple with all Hindu rites and rituals. It has further been alleged that at the time of marriage her father had given Rs. 3 lacs in cash, ornaments and other articles. After some time of the marriage the accused-petitioners started torturing her and started demanding dowry of Rs. 2 lacs. It has further been alleged that the accused-petitioners abused and also assaulted her and left her without food for many days. They also planned to eliminate her by poisoning or setting her on fire. After lodging the said FIR police instituted case against the petitioners for offence under Section 498A of the Indian Penal Code and started investigating the case.

It appears from the record that on 13.04.2009 a compromise petition was filed in the court below stating therein that the matter has been amicably resolved and on the basis of the said compromise petition, petitioner was granted bail by the court below. However, it has been alleged that the accused-petitioners again started torturing opposite party no. 2. Police after investigation submitted chargesheet. The court below took cognizance of the offence against the petitioners under Sections 498A of the Indian Penal Code and Sections 3 / 4 of the Dowry Prohibition Act vide order dated 17.08.2009. On the basis of materials available on record, charges were framed against the petitioners under Section 498A r/w Section 34 of the Indian Penal Code and Sections 3 / 4 of the Dowry Prohibition Act. It also appears that after commencement of trial the prosecution witnesses have been examined by the court below and the trial is at the advanced stage. The present petition has been filed to quash



the order of framing of charge against the petitioners on the basis of a compromise petition dated 13.04.2009 in which admittedly undertaking was given by the petitioners to keep opposite party no. 2 with dignity but the terms of compromise was not respected by petitioners. It has been alleged that opposite party no. 2 was subjected to torture and harassment subsequent to compromise and thereafter, the court below has taken cognizance of the offence by order dated 17.08.2009 and framed charge against the accused-petitioners on 30.12.2011 and witnesses have already been examined on behalf of the prosecution. Since the trial is now at the advanced stage, I am not inclined to interfere with the order dated 03.12.2011 of framing of charge against the petitioners. The present petition filed under Section 482 of the Code of Criminal Procedure is dismissed.

However, the trial court is directed to expedite the trial and conclude the same within a period of six months, if already not concluded.

(S. Kumar, J)

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