

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50449 of 2013

Arising Out of PS.Case No. -707 Year- 2011 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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1. Pawan Kumar Singh Son of Gyanchandra Singh Resident of Village- Sapha, P.S.- Tikapatti, Dsitric- Purnea
2. Gyanchandra Singh Son of Late Kesho Singh Resident of Village- Sapha, P.S.- Tikapatti, Dsitric- Purnea
3. Pahari Singh Son of Gyanchandra Singh Resident of Village- Sapha, P.S.- Tikapatti, Dsitric- Purnea
4. Nutan Kumari Daughter of Gyanchandra Singh Resident of Village- Sapha, P.S.- Tikapatti, Dsitric- Purnea

.... Petitioners

Versus

1. The State of Bihar
2. Sonam Devi Wife of Pawan Kumar Singh, Daughter of Balram Kumar Singh Resident of Gonarchak, P.S. Parbatta, District- Bhagalpur

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Sada Nand Ray, Advocate.

For the Opposite Party/s : Mr. Ashok Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 11-05-2017

Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners filed this petition under Section 482 of the Code of Criminal Procedure (hereinafter referred to as the 'Code') to quash the order dated 10.01.2012 passed by the Learned Sub-Divisional Judicial Magistrate, Naugachhia in Complaint Case No. C-707 of 2011, whereby the Learned Sub-Divisional Judicial Magistrate, Naugachhia found prima facie case under Sections 498A, 323 and 34



of the Indian Penal Code.

3. The complainant, Opposite Party No. 2, filed the complaint case, alleging therein that she was married to Pawan Kumar Singh, petitioner no. 1 on 26.04.2010 and went to her Sasural on 05.11.2010. Immediately, thereafter, the accused persons subjected her to physical and mental torture due to non-fulfillment of demand of additional dowry. The complainant disclosed that her father was working in Dimapur, but the accused persons continued to demand the motorcycle and cash of Rs. 1 lakh. When the complainant, opposite party no. 2, showed the inability of her father to meet the demand, the accused persons stopped providing food. The complainant informed her father. It is alleged that the accused persons assaulted her and drove her out from the house after snatching her belongings.

4. The complainant was examined on SA and the complainant also examined her witnesses. Considering the materials on record, the Learned Sub-Divisional Judicial Magistrate, Naugachhia found prima facie case under Sections 498A, 323 and 34 of the Indian Penal Code against the petitioners on 10.01.2012 to proceed.

5. Learned counsel for the petitioners assailed the order impugned on the ground that omnibus and general allegation is made against the petitioners. Petitioner no. 1 is the husband, petitioner no. 2



is father-in-law, petitioner no. 3 is brother-in-law and petitioner no. 4 is sister-in-law of the complainant. No offence under Section 498A of the Indian Penal Code is made out against the accused persons but, on perusal of the order and the complaint petition, I find that the complainant and her witnesses have very categorically stated that the petitioners subjected the complainant to all sorts of torture, due to non-fulfillment of demand of dowry.

6. Considering the facts aforesaid, I do not find any illegality in the order impugned dated 10.01.2012 passed in Complaint Case No. C-707 of 2011. Accordingly, this quashing petition is dismissed.

(Prabhat Kumar Jha, J.)

KKSINHA/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.05.2017
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