

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2799 of 2012

Arising Out of Complaint Case No. -195 Year- 2006 District- WESTCHAMPARAN (BETTIAH)

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1. Pradeep Kumar Gupta S/o Late Sitaram Gupta Resident of Ward No. 11, Narkatiaganj Market, P.S. Shikarpur, District West Champaran.
2. Rani Kumari Gupta D/o Late Sitaram Gupta Resident of Ward No. 11, Narkatiaganj Market, P.S. Shikarpur, District West Champaran.
3. Gita Devi W/o Prabhat Kumar Gupta Resident of Ward No. 11, Narkatiaganj Market, P.S. Shikarpur, District West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Nirmala W/o Uday Kumar Gupta @ Raju Gupta D/o Madan Mohan Sah Resident of Dindayal Nagar, P.S. Bagha, District-West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the Opposite Party/s : Mr. Humayu Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 31-07-2017

This application under Section 482 of the Cr.P.C. has been filed to quash the order dated 19.10.2011 passed by the learned Judicial Magistrate, 1st Class, Bagha, West Champaran in Complaint Case no. 195 of 2006 whereunder he rejected the petition filed under Section 245 of the Cr.P.C. and refused to discharge the petitioners from the offence in question.

2. Heard both sides and perused the record.

3. It has been submitted that the petitioners are brother-in-law and sister-in-laws of the O.P. no. 2 against whom there is omnibus



allegation of torture. The complainant (O.P. no. 2) has filed the present case for partition of family property. She has not made her husband as accused of this case. The complainant herself has left the house as she was not willing to live with her husband. The learned Magistrate has passed the impugned order in mechanical manner and so the same is fit to be quashed. The learned APP, on the other hand, opposed the submissions.

4. On perusal of the complaint petition, impugned order and the documents annexed with the petition, I find that all the petitioners being in-laws of the complainant started torturing since the date of her marriage. It has been alleged that her husband is ailing since the time of marriage and for his treatment his family members demanded money and household articles. The said demand was not fulfilled resultantly, she was tortured and ousted from the matrimonial house. The complainant is presently residing at the place of her parents. The learned Magistrate finding sufficient materials against the petitioners for framing charge has rightly rejected their petition filed under Section 245 of the Cr.P.C. by a reasoned and well discussed order.

5. In view of the above facts, I do not find any illegality in the impugned order requiring any interference under inherent jurisdiction under Section 482 of the Cr.P.C. This Cr. Misc. application, therefore, is dismissed.



6. Let the L.C.R. be returned along with the copy of this order.

(Sanjay Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	02.08.2017
Transmission Date	02.08.2017

