

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1187 of 2012

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1. Amod Singh S/O Ram Ekwat Singh
2. Arvind Singh S/O Ram Ekwat Singh
3. Vinod Singh S/O Ram Ekwat Singh
4. Ram Ekwat Singh S/O Late Satyanarayan Singh
5. Kalawati Devi W/O Ram Ekwat Singh
6. Munni Devi W/O Arvind Singh
All R/O Village- Baghni, P.S.- Mohania, District- Kaimur

.... Petitioners

Versus

1. The State Of Bihar
2. Abhay Narayan Singh S/O Ram Sakal Singh R/O Village- Mallic Sarai, P.S.- Chainpur, District- Kaimur (Bhabua).
3. Archana Singh, wife of Amod Singh, Residing at Mallic Sarai, P.S.- Chainpur, District- Kaimur (Bhabua).

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
Mr. Vinod Kumar Seth, Advocate
For the Opposite Party/s : Mr. Om Prakash Pandey, Advocate
Mr. Satyendra Pandey, Advocate
Mr. Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL JUDGMENT
Date: 11-07-2017

This Criminal Miscellaneous application has been filed for quashing the order dated 15.12.2009 passed by learned S.D.J.M., Kaimur at Bhabua in connection with Complaint Case No. 780 of 2009 (Tr. No. 1489 of 2010) whereby and whereunder after finding prima facie case to be made out under Sections 498A, 406 of the Indian Penal Code and Section 4 of Dowry Prohibition Act summons have been ordered to be issued against the petitioners.

2. Heard learned counsel for the petitioners, learned APP for the State and learned counsel appearing for opposite party no. 2 & 3.

3. The daughter of the complainant was married with



petitioner no. 1 on 14.06.2006 and after 5-6 months the petitioners started demanding cash of Rs. 1,00,000/- and motorcycle and due to non-fulfillment started torturing her, they did not provide proper food on time, during that period Archana, the daughter of the complainant, became pregnant. On 08.09.2007 at 9:00 p.m. Arvind Singh, petitioner no. 2, informed through mobile that his daughter is ill and then on 10.09.2007 the complainant reached at the house of accused persons there again demand was repeated. On 11.09.2007 Archana was treated at the clinic of Dr. Usha Gupta at Varanasi where she gave birth to a female child. After that she went to her maike where none of the accused persons came to meet her. When the complainant along with Laxman Singh went at the house of the petitioners to request for Vidagri of his daughter, the accused persons again demanded cash of Rs. 1,00,000/- and a motorcycle and refused to perform vidagri unless the demand is fulfilled. The accused persons have kept all the articles/ornaments of the daughter of the complainant. The complainant was examined on solemn affirmation. Four inquiry witnesses were also examined. Learned S.D.J.M. after considering the statement of the complainant on solemn affirmation and the statement of inquiry witnesses passed the impugned order.

4. On behalf of the petitioners it is submitted that Archana is graduate whereas the petitioner no. 1 Amod Singh, her husband, is only class VII pass and for that reason Archana did



not want to live with petitioner no. 1. By the order of the court Arvind Singh had gone for Vidagri of Archana but the complainant did not allow Archana to go to her in-laws house. All the allegations are concocted and false and as such the impugned order is fit to be quashed. There is no specific allegation against the petitioners. The complainant case is not filed by Archana rather by her father. All the treatment was done by the petitioners during her pregnancy. The prescriptions of the doctor are annexed as annexure-2. All the allegations are totally absurd and has been engineered with a view to harass and humiliate and further with a view to extract money from the petitioners and also with intention and motive to perform marriage of Archana again with another person elsewhere and thus, the impugned order is fit to be quashed.

5. On the other hand, learned counsel for the opposite parties no. 2 and 3 submits that the daughter of the complainant was not treated by the petitioners rather she was treated by the complainant, all the expenses were met by the complainant, the prescriptions were kept by the husband of the daughter of the complainant. The husband never went for vidagri nor the father-in-law for vidagri and her Bhaisur had gone for Vidagri so the Vidagri was not performed. It is further submitted that at the stage of taking cognizance it is only required to see as to whether on the basis of materials collected during inquiry prima facie offence is made out or not and in this case after considering the



statement of the complainant on solemn affirmation and further considering the statement of four inquiry witnesses the learned S.D.J.M. passed the impugned order which is quite legal, proper and correct. There is no need of any interference by this Court.

6. Having considered the submissions urged at the Bar, going through the records, noticing that the learned S.D.J.M. after considering the statement of the complainant on solemn affirmation and further considering the statement of four inquiry witnesses, passed the impugned order which is quite legal and proper and there is no need of any interference of this Court. At the time of taking cognizance it is only required to see as to whether on the basis of materials collected during inquiry, prima facie offence is made out or not. In this case the learned Magistrate after considering the materials collected during inquiry has passed the impugned order rightly.

7. In the result, finding no merit in this criminal miscellaneous application, the same is hereby dismissed and the impugned order is hereby affirmed.

(Jitendra Mohan Sharma, J)

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