

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41014 of 2014

Arising Out of PS.Case No. -229 Year- 2008 Thana -PATLIPUTRA District- PATNA

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1. Shiv Kumar Thakur @ Hanuman Thakur, son of Late Sakaldeep Narayan Thakur
2. Asha Devi, W/o Shiv Kumar Thakur @ Hanuman Thakur
Both resident of Mohalla New Area Jakkanpur near Laxmi Market, Police Station
Jakkanpur, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Manka Kumari d/o Raj Kumar Thakur, resident of Mohalla Manpura Thakur
Gali, P.S.- Patliputra, District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Dr.Manoj Kumar, Adv..

For the Opposite Party no.1 : Mr. Arun Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 09-10-2017

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

The petitioners are seeking quashing of the order
dated 24.05.2010 passed by the learned Sub-Divisional Judicial
Magistrate, Patna by which cognizance of the offences under Section
498A read with Sections 3/4 of the Dowry Prohibition Act has been
taken in connection with Patliputra P.S. Case No.229 of 2008 and
summons have been issued against the petitioners.

At the outset, learned counsel for the petitioners
would submit that the petitioners are father-in-law and mother-in-law



respectively. They have moved this Court for quashing of the order taking cognizance mainly on the ground that after lodging of the present case in the year 2010 when the opposite party no.2 lodged another case being Domestic Violence Case No.7 of 2013, there was a settlement/compromise between the opposite party no.2 and her husband and by virtue of that compromise both of them are living together peacefully. It is thus submission of the learned counsel for the petitioners that continuation of the present case is not in the interest of justice because after all it arises out of a matrimonial discord and now that the parties have settled down their dispute the whole family members particularly the parents of the husband should also be allowed to live peacefully without facing prosecution. Even otherwise, his submission is that the allegations against these petitioners are vague and general in nature which were made not because of any overt act or omission committed by them, but only because they happen to be the parents of the husband.

Although the opposite party no.2 has appeared through her advocate in this Court, but even on the last date when the matter was called out no one appeared on behalf of the opposite party no.2. Today also, there is no representation on her behalf, therefore this Court is unable to verify the facts submitted on behalf of the petitioners for quashing of the order taking cognizance in the interest



of justice.

This being the position, this Court, instead of interfering with the order taking cognizance, directs the learned court below to proceed with the matter and if an application for discharge is filed on behalf of the petitioners, the same may be considered after giving an opportunity to the informant and a decision on the said discharge petition be taken at the earliest preferably within a period of three months from the date of receipt of this Court in the interest of justice.

The application stands disposed off with the observations and directions made above.

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	
CAV DATE	
Uploading Date	10.10.2017
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