

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42993 of 2013

Arising Out of PS.Case No. -456 Year- 2013 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Kalpana Indu, wife of Late Nitai Lal Indu, resident of Kilbourn Colony, Hinoo, P.O. & P.S- Doranda, District - Ranchi, Jharkhand.
 2. Sushant Indu, son of Late Nitai Lal Indu, resident of Kilbourn Colony, Hinoo, P.O. & P.S. - Doranda, District - Ranchi, Jharkhand.
 3. Ravi Indu @ Rabindra Nath Indu, son of Late Nitai Lal Indu, resident of Kilbourn Colony, Hinoo, P.O. & P.S- Doranda, District - Ranchi, Jharkhand.
 4. Shyamali Dutt Indu @ Shamali Dutt Indu @ Shyamali Indu, wife of Sushant Indu, resident of Kilbourn Colony, Hinoo, P.O. & P.S- Doranda, District - Ranchi, Jharkhand.
 5. Rimi Indu, wife of Ravi Indu @ Rabindra Nath Indu, resident of Kilbourn Colony, Hinoo, P.O. & P.S. - Doranda, District - Ranchi, Jharkhand.

.... Petitioners.

Versus

1. The State of Bihar.
2. Shikha Rakshit, wife of Shambhu Indu, daughter of Bimal Chandra Rakshit, resident of Kilbourn Colony, Hinoo, P.O. & P.S. - Doranda, District - Ranchi, Jharkhand, presently residing at - Belbag, Bengali Colony, P.O. & P.S.- Betiah, District - Betiah, Bihar.

.... Opposite Parties.

with

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Criminal Miscellaneous No. 46700 of 2013

Arising Out of PS.Case No. -null Year- null Thana -null District- WESTCHAMPARAN(BETTIAH)

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Shambhu Indu, son of Late Nitai Lal Indu, resident of Kilbourn Colony, Hinoo, P.O.- & P.S.- Doranda, District- Ranchi, Jharkhand.

.... Petitioner.

Versus

1. The State of Bihar.
2. Shikha Rakshit, wife of Shambhu Indu, daughter of Bimal Chandra Rakshit, resident of Kilbourn Colony, Hinoo, P.O.- & P.S.- Doranda, District- Ranchi, Jharkhand, presently residing at Belbag Bengali Colony, P.O. & P.S.- Betiah, District- Betiah, Bihar.

.... Opposite Parties.

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Appearance :

(In Both the cases):

For the Petitioners : Mr. Bimlesh Kumar Pandey, Advocate.

For the State : Mr. Rajendra Prasad Nat, A.P.P.

For the O.P. No.2 : Dilip Kumar, Advocte.



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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL JUDGMENT
Date: 02-05-2017

Since the petitioners of both the aforesaid applications, who are in-laws and the husband respectively of the opposite party no.2, have filed these applications, under Section 482 of the Code of Criminal Procedure, against the order dated 01.05.2013 passed in Complaint Case No.456C of 2013 by the court of the Sub Divisional Judicial Magistrate, Bettiah, West Champaran, summoning them, on inquiry, under Section 204 of the Code of Criminal Procedure, finding prima facie case under Section 498-A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act, and the consequential orders dated 10.06.2013 and 21.08.2013 passed by the Sub Divisional Judicial Magistrate, Bettiah, West Champaran, issuing bailable and non-bailable warrant of arrest against them in the aforesaid complaint case, both the applications have been heard together and are being disposed of by this common order.

2. The facts leading to these applications is that the opposite party no.2 filed Complaint Case No.456C of 2013 against her husband (petitioner in Criminal Misc. No.46700 of 2013) and in-laws (petitioners in Criminal Misc. No.42993 of 2013) for torturing her due to non fulfillment of the dowry demand and ousting her from



the matrimonial house.

3. After filing of the aforesaid complaint case by the opposite party no.2, on inquiry under Section 202 of the Code of Criminal Procedure, the accused-petitioners were summoned through the impugned order dated 01.05.2013 finding prima facie case under Section 498-A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act and, thereafter, the consequential orders dated 10.06.2013 and 21.08.2013, issuingailable and non-bailable warrant of arrest against them were passed.

4. Learned counsel for the petitioners submits that the petitioners of Criminal Misc. No.42993 of 2013 are in-laws whereas the petitioner of Criminal Misc. No.46700 of 2013 is husband of the opposite party no.2 and have falsely been implicated in this case by the opposite party no.2 only to put undue pressure. Moreover, no specific overt act has been attributed to the petitioners of Criminal Misc. No.42993 of 2013, who are in-laws of the opposite party no.2.

5. On going through the summoning order and the consequential orders dated 10.06.2013 and 21.08.2013, issuingailable and non-bailable warrant of arrest against the petitioners, I find no illegality therein amounting to an abuse of the process of the court for interference with the same in an extraordinary jurisdiction of this Court under Section 482 of the Code of Criminal Procedure.



6. Accordingly, these applications stand dismissed.
However, the petitioners would be at liberty to raise the points, as raised herein, at the appropriate stage in the trial court.

(Rajendra Kumar Mishra, J)

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