

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30860 of 2013

Arising Out of PS.Case No. -183 Year- 2012 Thana -GAYA COMPLAINT CASE District- GAYA

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1. Gayatri Bandana, D/O Ram Naresh Sharma, Resident of Village- Jalalpur, P.S.- Dhanarua, Dist.- Patna
 2. Ravi Shankar @ Mantu, S/O Ram Naresh Sharma, Resident of Village- Jalalpur, P.S.- Dhanarua, Dist.- Patna
 3. Soni Kumari, D/O Ram Naresh Sharma, Resident of Village- Jalalpur, P.S.- Dhanarua, Dist.- Patna
 4. Asha Devi, W/O Ram Naresh Sharma, Resident of Village- Jalalpur, P.S.- Dhanarua, Dist.- Patna
 5. Ranjan Kumar, S/O Bindeshwar Sharma, Resident of Village- Jalalpur, P.S.- Dhanarua, Dist.- Patna
 6. Ram Naresh Sharma, S/O Ramanuj Sharma, Resident of Village- Jalalpur, P.S.- Dhanarua, Dist.- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Pawan Kumar, S/O Late Bamdeo Sharma, Resident of Mohalla- Nai Godown Maharani Road Bharthu Bhawan, P.S.- Kotwali, Dist.- Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL JUDGMENT

Date: 04-04-2017

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

2. This application, under Section 482 of the Code of Criminal Procedure, is directed against the order dated 16.11.2012 passed in Complaint Case No. C-183 of 2012/Misc. 11 of 2012, whereby the learned Judicial Magistrate Ist Class, Gaya, summoned the accused-petitioners, on inquiry, under Section 204 of Cr.P.C



finding the prima facie case, under Sections 323, 379, 341, 504 and 506 of the Indian Penal Code.

3. The prosecution case as set out in the complaint petition of complainant-opposite party no. 2 is that his marriage was performed with Gayatri Bandana (petitioner no. 1) in the year 2005. After staying one month at the house of complainant-opposite party no. 2, his wife Gayatri Bandana (petitioner no. 1) returned to her “Maika”. Thereafter, complainant-opposite party no. 2 went at his “Sasural” and approached his father-in-law (petitioner no. 6) for “Bidai” of his wife, Gayatri Bandana (petitioner no. 1) but he did not allow to his daughter to go to her “Sasural” with complainant-opposite party no. 2. Thereafter, threatening was given on phone for payment of Rs.50,000/- and also for executing the sale deed of his house in favour of his wife, accused-petitioner no. 1 then she will be permitted to go to her “Sasural”. While complainant-opposite party no. 2 tried to arrange Panchayat but accused-petitioners were not ready for Panchayat and lodged the case and he was sent in Jail. On 28.01.2012 about 10 P.M. accused-petitioners came at the house of complainant-opposite party no. 2 and refused for panchayat and pointed the pistol at the complainant-opposite party no. 2 and started to abuse and assaulted through fist and slaps to his old mother and all moved from there taking articles worth of Rs.50,000/- and cash of



Rs.5000/-.

4. Learned counsel for the petitioners submits that, in fact, petitioner nos. 1 to 6, namely, Gayatri Bandana, Ravi Shankar @ Mantu, Soni Kumari, Asha Devi, Ranjan Kumar and Ram Naresh Sharma, are wife, brother-in-law, sister-in-law, mother-in-law, cousin brother-in-law and father-in-law of complainant-opposite party no. 2 and due to lodging of Dhanarua P.S. Case No. 254 of 2007, under Sections 498(A)/34 and 313 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act on 10.11.2007, by accused-petitioner no. 6, Ram Naresh Sharma, against his son-in-law (complainant-opposite party no. 2) for torturing of his daughter (petitioner no. 1) due to non-fulfilment of demand of dowry, the complainant-opposite party no. 2 has lodged the present case on 30.01.2012 as counter blast, so that his wife-petitioner no. 1 could not pursue Dhanarua P.S. Case No. 254 of 2007.

5. On perusal of the record, it appears that on the basis of written report of Ram Naresh Sharma, father-in-law of complainant-opposite party no. 2, Dhanarua P.S. Case No. 254 of 2007 was instituted against the complainant-opposite party no. 2 and his other family members for torturing her daughter, accused-petitioner no. 1. for non-fulfillment of demand of dowry on 10.11.2007. Thereafter, complainant-opposite party no. 2, who is the



husband of the accused-petitioner no. 1, lodged the present Complaint Case No. C-183 of 2012 against his wife, accused-petitioner no. 1 and other in-laws, i.e., accused-petitioner no. 2 to 5 on 30.01.2012 in counter blast in order to put undue pressure, so that Dhanarua P.S. Case No. 254 of 2007 could not be persuaded by the accused petitioner nos. 1 and 6. As such, the impugned order taking the cognizance of the offence under Sections 323, 379, 341, 504 and 506 of the Indian Penal Code appears to be abuse of the process of the court.

5. In the result, the order dated 16.11.2012 passed in Complaint Case No. C-183 of 2012/Misc. 11 of 2012 and entire criminal proceeding is hereby quashed. Accordingly, this application is allowed.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

AFR/NAFR	
CAV DATE	
Uploading Date	11.04.2017
Transmission Date	11.04.2017

