

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54418 of 2013

Arising Out of PS.Case No. -140 Year- 2011 Thana -KALYANPUR District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Rajesh Sinha, son of Late Ram Naresh Pd. Sinha.
 2. Maya Sinha, wife of Late Ram Naresh Pd. Sinha.
 3. Mukesh Sinha, son of Late Ram Naresh Pd. Sinha.
 4. Kavita Sinha, wife of Mukesh Sinha.
All resident of 5 New Polo Ground, Near:- Hanuman Mandir, Saheli Nagar,
P.S.- Udaipur, District- Udaipur, State – Rajasthan, Pin Code:- 313001.
 5. Sandeep Choudhary, son of Sahjanand Choudhary, resident of Village- Jokhan,
P.O. + P.S.- Bettiah, District- West Champaran.

.... Petitioners.

Versus

1. The State of Bihar.
2. Shweta Kishore, wife of Sri Rajesh Sinha, daughter of Mr. Uday Kishore,
resident of Village- Khokhara, P.O.- Rajpur, P.S.- Kalyanpur, District- East
Champaran.

.... Opposite Parties.

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Appearance :

For the Petitioners : Mr. Siya Ram Shahi, Advocate.
For the State : Mr. J. Upadhyay, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 25-07-2017

Heard.

2. This application, under Section 482 of the Code of Criminal Procedure, is directed against the order dated 03.10.2013 passed in Trial No.3449 of 2013, arising out of Kalyanpur P.S. Case No.140 of 2011, passed by the Chief Judicial Magistrate, Motihari, taking cognizance of the offence under Sections 323, 498(A) and 384/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act against the accused-petitioners on the basis of the



materials, available in the case diary.

3. Learned counsel for the petitioners submits that it would appear from the complaint petition of the opposite party no.2 that she was tortured at the hands of her husband and in-laws for demand of dowry at Udaipur and not at her parental house situated under the District of East Champaran. As such, registration of Kalyanpur P.S. Case No.140 of 2011 at Kalyanpur Police Station under District-East Champaran is beyond the territorial jurisdiction of District-East Champaran at Motihari. Learned counsel for the petitioners further submits that, admittedly, the marriage of the accused- petitioner no.1 Rajesh Sinha was performed with the informant/opposite party no.2 and after marriage, on 02.08.2003, she was blessed with a child, namely, Miss. Palak Sinha but, thereafter, the informant/opposite party no.2 came to her parental house. When no information regarding her whereabouts was received by the accused-petitioner no.1, the accused-petitioner no.1 went to his Sasural and made query to his father-in-law about his wife/the opposite party no.2, then he replied that she had gone to the house of her relative but, on inquiry, the accused-petitioner no.1 came to know that his wife/opposite party no.2 fell in adultery since 2009 and used to live with one Abhishek but, later on, Abhishek left the informant/opposite party no.2. Thereafter, the informant/opposite party no.2 used to live with



Govinda but, after sometime, the informant/opposite party no.2 broken the relationship with Govinda. Thereafter, the informant/opposite party no.2 started to live with Samir Kumar Sah as his wife without taking the decree of divorce with the accused-petitioner no.1. In the meantime, the accused-petitioner no.1 came to know that his wife/opposite party no.2 used to reside in a Apartment at Maharaja Complex, Patna. Then the accused-petitioner no.1 alongwith other accused went to that Apartment and caught red handed his wife/opposite party no.2 with Samir and then the opposite party no.2 created nuisance and the matter was published in the Daily Newspapers “Hindustan” and “Dainik Jagran” and the matter was also telecasted by the local channels in Bihar. Thereafter, the accused-petitioner no.1 filed Matrimonial Case No.166 of 2011 on 24.06.2011 under Section 13 of the Hindu Marriage Act for the decree of divorce against his wife/ opposite party no.2 and, thereafter, the opposite party no.2 only to put undue pressure upon the accused-petitioners filed Complaint Case No.C-1328 of 2011 in the court of the Chief Judicial Magistrate, East Champaran at Motihari, which was sent to the concerned police station under Section 156(3) of the Code of Criminal Procedure for investigation, on the basis of which, the present case was lodged.

4. Perused the complaint petition, which is the basis of



the F.I.R. of Kalyanpur P.S. Case No.140 of 2011, and the impugned order. In paragraph-19 of the complaint petition, it is detailed that after removal of informant/opposite party no.2 from her matrimonial house, during stay at Mayka, she was threatened by the accused-petitioner no.5 on phone and the accused-petitioner nos.1, 3 and 5 also visited at Mayaka of the informant/opposite party no.2 and threatened her of dire consequences. As such, mental torture is also caused under the jurisdiction of Police Station-Kalyanpur, District-East Champaran at Motihari. The impugned order does not suffer from any illegality 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.

5. Accordingly, this application stands dismissed. However, the petitioners would be at liberty to raise their points, as raised herein, at the appropriate stage in the trial court.

(Rajendra Kumar Mishra, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.08.2017.
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