

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41317 of 2013

Arising Out of PS.Case No. -9 Year- 2012 Thana -DIGHA District- PATNA

- =====
1. Dhanraj Singh, son of Late Nageena Singh
 2. Chandrajyoti Prakash, wife of Late Uday Narayan Singh
 3. Simriya Devi, wife of Dhanraj Singh
 4. Manti Kumari, daughter of Dhanraj Singh
 5. Laddu Singh @ Dhirendra Kumar, son of Dhanraj Singh
 6. Mannu Singh @ Manish Kumar, son of Late Uday Narayan Singh, all residents of Vilalge Kaithi, PS Nokha, O.P.Dharampura, District Rohtas
- Petitioners

Versus

1. The State of Bihar
 2. Archana @ Mansi Raj, wife of Naveen Kumar Singh, resident of Vilalge Kaithi, PS Nokha, O.P.Dharampura, District Rohtas
- Opposite Party

=====

Appearance :

For the Petitioners	:	Mr. Sunil Kumar Singh Mr. Indradeo Prasad
For the State	:	Mr. Ajay Kumar-I (APP)
For O.P. No. 2	:	Mr. Jharkhandi Upadhyay

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

11 07-12-2017 Heard learned Counsel for the petitioners as well as the learned Counsel for the State as also the learned Counsel appearing on behalf of the Opposite party No. 2.

The petitioners seek quashing of the cognizance order dated 2.8.2013, passed by Judicial Magistrate, 1st Class, Patna, thereby taking cognizance of the offence under Sections 323, 341, 498A/34 of the IPC and Sections 3 of the Dowry Prohibition Act and consequently issuing summons to all the accused to stand trial.

The brief fact giving rise to the case is that the Opposite party No. 2 filed a FIR alleging therein that she was married on 23.5.2005 with Naveen Kumar Singh. Only for one month all the



family members nicely behaved thereafter started making demand of one Alto car and used to torture her in that connection. On 22.1.2012 her husband and cousin father-in-law, Dhanraj Singh brought her to Patna on the pretext of treatment and pressurising her for bringing Alto car and other articles from her parents and also assaulted her.

Learned Counsel appearing on behalf of the petitioners submits that the petitioner No. 1 is cousin father-in-law, petitioner No. 2 mother-in-law, petitioner No. 3 wife of Dhanraj Singh and petitioner Nos. 4 and 5 are daughter and son of Dhanraj Singh and petitioner No. 6 is the brother of husband of the informant. It is submitted that the allegations are omnibus and sweeping in nature against all the accused persons.

Learned Counsel appearing on behalf of Opposite party No. 2 submits that allegation against Dhanraj Singh, petitioner No. 1, is specific that he assaulted the informant on a particular date as mentioned in the FIR and asked the informant to bring a vehicle and other articles from her parents.

Having considered the rival submission and on perusal of the record, the Court finds that the allegation against the petitioners, except petitioner No. 1, is sweeping in nature, no specific allegation of either making demand or committing any torture mentioning any specific date or manner of torture is mentioned against petitioner Nos. 2 to 6. So, prima facie no offence under Section 498A and other sections, under which cognizance has been taken, is made out against



petitioner Nos. 2 to 6. Therefore the entire criminal proceeding inclusive of the cognizance order dated 2.8.2013 only against petitioner Nos. 2 to 6 is set aside. However, the criminal proceeding shall continue with respect to Dhanraj Singh petitioner No. 1.

The application stands disposed of.

(Arun Kumar, J.)

Snkumar/-

U		T	
---	--	---	--

