

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24867 of 2012

Arising Out of PS.Case No. -84 Year- 2009 Thana -null District- MADHEPURA

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1. Sadanand Yadav S/o Late Ram Lakhan Yadav Resident of Village- Kalikapur, P.S.- Kaluwahi, District- Madhubani
 2. Shibo Devi W/o Sambhu Yadav Resident of Village- Kalikapur, P.S.- Kaluwahi, District- Madhubani
 3. Sambhu Yadav S/o Sadanand Yadav Resident of Village- Kalikapur, P.S.- Kaluwahi, District- Madhubani
 4. Jamuna Devi W/o Sadanand Yadav Resident of Village- Kalikapur, P.S.- Kaluwahi, District- Madhubani

.... Petitioners

Versus

1. The State of Bihar
2. Ranjana Devi, Wife of Late Shyam Yadav, Resident of Village Pathar Patti, P.S. Kewati, District Darbhanga. At present Village Dahi Pet Dih (Sohrai) P.S. Sakari, District Madhubani

.... Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Gagan Deo Yadav, Advocate
For the State	:	Mr. Dilip Kumar, APP
For O.P. No.2	:	None

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 10-10-2017

The petitioners have filed this application under Section 482 Cr.P.C. seeking quashing of cognizance order dated 03.02.2012, passed by learned CJM, Madhubani in Kaluwahi P.S. Case No.84 of 2009 (T.R. No.3365 of 2012) by which the learned CJM, Madhubani has taken cognizance of the offence under Sections 147, 323, 341, 504, 420, 498A and 379 of the Indian Penal Code.

2. The facts of the case, as levelled in the FIR, is that the informant was married with the son of the petitioner no.1 a decade back and four years prior to lodging of the case her husband died. It is alleged that while her husband was alive, all accused used to torture



her in connection with further demand of dowry and after death of her husband they have forcibly got the signature of the informant and received the insurance amount given by the insurance company in her favour as she was nominee in the insurance policy. It is also alleged that she was ousted from matrimonial home keeping her all jewellerys.

3. Learned counsel for the petitioners submits that petitioner nos.1 and 4 are father-in-law and mother-in-law and other petitioners are the brother of the informant's husband and his wife. It is submitted that in fact the informant developed illicit affair with another man and the family members used to object, so she lodged this false case, even during investigation the independent witnesses have not supported the case and her children are still living with the petitioners, so this case was filed maliciously. Contrary to that the learned counsel appearing on behalf of the State submits that there is allegation of subjecting the informant to cruelty by the petitioners and the police after investigation has submitted charge-sheet.

4. Having considered rival submissions and on perusal of the records, the Court finds that it is not that the ingredients of the offence under Section 498A of the Indian Penal Code is not disclosed in the allegation levelled in the FIR as there appears allegation of cruelty alleged to be committed by the petitioners. As far as the



submission of the learned counsel for the petitioners that no independent witnesses have supported the allegation during the investigation, that may be raised at the time of framing of the charge to show that there exists no sufficient ground for proceeding in the matter.

5. There is no ground for interfering with the order impugned. The quashing application accordingly, stands dismissed.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
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