

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24517 of 2014

Arising Out of PS.Case No. -1114 Year- 2011 Thana -GAYA COMPLAINT CASE District- GAYA

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1. Shri Mahesh Pandey son of Late Mahavir Pandey
 2. Sushila Devi wife of Shri Mahesh Pandey Both residents of Mohalla - Chandmari Road, Sheo Mandir Lane, P.S. - Kankarbagh, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Pampi Devi Wife of Mukesh Pandey Resident of Mohalla - Chandmari Road, Sheo Mandir Lane, P.S. - Kankarbagh, District - Patna, D/o Shri Kanhai Pandey, Resident of Mohalla - Maulaganj Nai Sarak, P.S. - Civil Lines, District - Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar
For the Opposite Party/s : Mr. Ravindre Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 03-07-2017

1. The petitioners seek quashing of the order dated 29.10.2012 passed by the S.D.J.M. Gaya in Complaint Case No. 1114 of 2011 whereby the S.D.J.M., finding prima facie case for the offence under Section 498(A) of the I.P.C. against the petitioners and their son, ordered for issuance of summons against them.

2. Heard both sides.

3. The facts in brief is that the O.P. no. 2 filed a complaint case on the file of C.J.M., Gaya alleging inter alia that she was married with the son of the petitioners in the year 1996 and when she went to her matrimonial house her husband and in-laws started tonting her



for not bringing sufficient dowry. They started torturing her and in the year 2002 they assaulted mercilessly on account of which she lost her pregnancy. In course of inquiry, the complainant and her witnesses supported the allegation of torture and assault. The learned court below finding prima facie case, ordered for issuance of summons.

4. The learned counsel for the petitioners submits that these petitioners are parents of the O.P. no. 2. The allegation of torture and assault is omnibus. The complainant and her witnesses have not stated any specific atrocity or act of cruelty against any of the petitioners. These petitioners have no concern either with the complaint or her husband. The learned counsel further submitted that the O.P. no. 2 is not the legally married wife of the son of the petitioners. There is absolutely no material for the prosecution of the petitioners and so the impugned order taking cognizance against these petitioners is fit to be quashed.

5. The learned counsel for the informant (O.P. no. 2) and the APP for the State, on the other hand, submitted that there is specific allegation also against the petitioners. The court below found sufficient materials against the petitioners also and so they have rightly been summoned.

6. Perused the complaint petition, impugned order and also the



statement of witnesses examined in course of inquiry. The complaint at paragraphs 8 and 9 of the complaint petition has specifically alleged that the petitioners made repeated demand of Rs. 1 lacs from the father of the complaint, and at one occasion, when the parents of the complainant asked for *Bidai* of the complainant, these petitioners abused and threatened of dire consequences. The complainant in her S.A. and three more witnesses in course of inquiry supported the allegation of torture against these petitioners. The court below found ingredient of offence under Section 498(A) of the I.P.C. has rightly summoned the petitioners.

7. In view of discussions made above, I do not find any merit in this criminal miscellaneous application, and the same is accordingly, dismissed.

(Sanjay Kumar, J)

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AFR/NAFR	NAFR
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