

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20035 of 2014

Arising Out of PS.Case No. -1440 Year- 2007 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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Amit Kumar S/o Ramakant Pandey Resident of Mohalla Dhैया Khatal, Janki
Niwas, Town Dhanbad, P.O. + P.S. Dhanbad, District Dhanbad, State Jharkhand.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Janamdeo Pandey S/o Vidhyadhar Pandey Resident of Mohalla Habibpura, P.S.
Sohsarai, District Nalanda at Bihar Sharif.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey
For the State : Mr. Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 25-07-2017

This application under Section 482 of the Cr.P.C. has been
filed to quash the order dated 07.03.2014 passed by the learned
Additional Sessions Judge, Ad hoc-I, Nalanda at Bihar Sharif in
Criminal Revision no. 264 of 2013 whereunder the court refused to
interfere with the order S.D.J.M. passed on 27.04.2013 in Complaint
Case no. 1440(C) of 2007. The learned S.D.J.M. as per order dated
27.04.2013 allowed the O.P. no. 2 to proceed with the said
Complaint Case.

2. Heard the learned counsel for the petitioner and APP for the
State.

3. It has been submitted that the petitioner is husband of the



Complainant Case no. 1440(C) of 2007. The complainant had filed above complaint case against this petitioner and his family members for the offence under Section 498-A and other ancillary Sections of the IPC. The complainant was residing at the place of her father from where she was willing to come back at the place of this petitioner. The father of the complainant was not willing to send the complainant in the company of this petitioner. Her father locked the complainant and her two children in a room and ignited fire in the house. The complainant and her children died due to burn injuries. A police case vide Sohsarai P.S. Case no. 117 dated 24.11.2008 was registered against the father and other family members of the deceased for the offence under Section 302/34 of the IPC. The O.P. no. 2 being murderer of the wife of the petitioner cannot be allowed to proceed with the present complaint case against the petitioner. The order allowing the O.P. no. 2 to proceed with the complainant is against material on record. The learned Addl. Sessions has also erred in dismissing the Cr. Revision and so both the orders are fit to be quashed. The learned APP, on the other hand, opposed the submissions.

4. On perusal of complainant petition and materials on record, I find that the wife of this petitioner had filed the complaint case for the offence under Section 498-A of the IPC. The father and brother



of the complainant are cited as witnesses in the said complaint petition. The complainant has alleged that she was married on 24.05.2002 and since the date of marriage her husband and in-laws were torturing her in connection with demand of further dowry. The complainant was ousted along with her two children on 20.09.2007 and thereafter she filed the complaint case on 05.11.2007. The complainant died at the place of her father on account of burn injuries. The father of the complainant has been made accused in the said case. The matter is still *subjudice*. The O.P. no. 2 being father is also a witness in the complainant case. The learned S.D.J.M. has rightly permitted the O.P. no. 2 to proceed with the complaint case. The learned Addl. Sessions Judge after discussing the case of the petitioner has dismissed the Cr. Revision by a reasoned order.

5. In view of the above facts, I find that this Cr. Misc. application is devoid of merit and is, accordingly, dismissed.

(Sanjay Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	N.A
Uploading Date	27.07.2017
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