

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35683 of 2014

Arising Out of P.S.Case No. -420 Year- 2012 Thana -KANKARBAGH District- PATNA

- =====
1. Chandra Shekhar Singh @ Chander Shekhar Singh S/o Late Lakhi Singh
 2. Tara Devi W/o Chandra Shekhar Singh
 3. Ranjeet Kumar S/o Chandra Shekhar Singh All are Resident of village- Baksama, P.S.- Goraul, District- Vaishali, At Present Address- Resident at Kothi No.- 1491, Sector-3, Tagore Road, Ballabagarh, P.S.- Ballabagarh (Sector-8) Faridabad, District- Faridabad (Hariyana)

.... Petitioners

Versus

1. The State of Bihar
2. Mamta @ Nitu Kumari W/o Randhir @ Randhir Kumar, D/o Vinod Kumar Sinha At Present Address- Resident at K.P.-66 Kailashpuri (Malahi Pakari), P.S.- Kankarbagh, District- Patna

.... Opposite Parties

=====

Appearance :

For the Petitioners : Mr. Radha Mohan Pathak, Advocate
For the Opposite Parties : Mr. Dasrath Mehta, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 18-09-2017

This criminal miscellaneous application under Section 482 of the Cr.P.C. has been filed to quash the order dated 16.03.2013 passed by CJM, Patna in G.R.No.4688 of 2012 arising out of Kankarbagh P.S.Case No.420 of 2012 whereby and whereunder the learned CJM finding prima-facie case for the offence under Sections 498A/34 of the IPC took cognizance and summoned the petitioners.

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



3. The petitioners are in-laws of the Opposite Party No.2 against whom, it has been alleged that they immediately after the marriage of Opposite Party No.2 started torturing her as the amount given in dowry was not adequate. They asked the complainant to bring money from her parents for purchasing a car. They used to pass circasting remarks against the complaint by saying that she was having black complexion. It further appears that the family of the complainant had given cash amount of Rs.11,00000/- through different cheques as well as cash. Besides that the complaint claims that an amount of Rs.17,40,000/- was spent in the said marriage. The complaint petition was sent to the police under Section 156(3) of the Cr.P.C. on the basis of which the Kankarbagh P.S.Case No.420 of 2012 for the offence under Sections 323, 498A, 504, 406, 384 and 120B of the IPC was registered against these petitioners and husband of the informant. In course of investigation a large of witnesses have supported the allegation of demand of money by these petitioners. The witnesses have stated that all the petitioners assaulted the informant and ousted her from their house. The allegation of torture and assault is specific against all the petitioners. The learned Magistrate has rightly taken cognizance against all the petitioners. It further appears that the



court below as per letter no.208 dated 11.09.2017 has reported that the case is presently running for evidence of prosecution witnesses.

4. Considering the specific allegation against the petitioners as regards torture and assault, the order taking cognizance cannot be said to have been passed in mechanical manner. As such, the impugned order does not require any interference.

5. This criminal miscellaneous application is devoid of merit and is accordingly dismissed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	22.09.2017
Transmission Date	22.09.2017

