

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34293 of 2014

Arising Out of P.S.Case No. -4 Year- 2014 Thana -RAMKRISHNANAGAR District- PATNA

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1. Balmatia Devi W/O Amir Lal Yadav @ Amir Lal Singh
 2. Amir Lal Yadav @ Amir Lal Singh Son of Shyam Lal Yadav Both resident of village Sheikhpura, Police Station Ram Krishan Nagar, District- Patna.

.... Petitioners

Versus

1. The State of Bihar
2. Rubi Devi, wife of Suaj Yadav, resident of village-Dhelwan, Police Station Ram Krishan Nagar, District-Patna.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Anil Kumar Singh, Advocate

For the Opposite Parties : Mr. Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 28-07-2017

This application under section 482 of the Cr.P.C. has been filed to quash the order dated 21.07.2014 passed by learned Judicial Magistrate, Ist Class in Ramkrishna Nagar P.S.Case No.04 of 2014 whereunder the Magistrate finding prima-facie case for the offence under sections 341, 323, 324, 307, 498A/34 of the IPC summoned the petitioners.

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

3. The Opposite Party No.2 in spite of personal service of notice did not appear to oppose the quashing application. Both the petitioners are parents of the husband of informant Opposite Party No.2. None of them are named in the FIR. The case has been registered only against the husband with specific allegation that in the night of 13.01.2014 her husband threw boiled milk on her person



causing burn injuries. The marriage of informant was performed in the year 2002 and from the said wedlock she has three children. She had lodged a police vide Ramkrishnanagar P.S.Case No.95 of 2010 for the offence under Sections 498A, 323/34 of the IPC. The husband of the informant had also filed a divorce case no.287 of 2013 before Principal Judge, Family Court, Gaya. After institution of said case, the ifnorant had lodged the present case only against the husband with specific allegation. It appears that the name of these petitioners appeared in supervision of Dy.S.P. which is against the material on record as submitted by his learned counsel. The criminal prosecution of these two petitioners in such circumstance would amount to abuse of the process of the Court as the main grievance of the informant is against the husband. There is nothing against these petitioners on record particularly the allegation of torture and assault.

4. In view of above facts the criminal prosecution of these petitioners cannot be sustained. The order taking cognizance so far these petitioners are concerned is quashed and this criminal miscellaneous application is allowed.

(Sanjay Kumar, J)

B.Kr./-

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