

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41030 of 2014

Arising Out of PS.Case No. -196 Year- 2013 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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1. Raju Ranjan Singh @ Raju Ranjan Kumar Singh, son of Madesh Singh
2. Madesh Singh Son of Late Rama Singh
3. Minta Devi, wife of Madesh Singh
4. Seema Devi, wife of Raju Ranjan Kumar Singh,
All Resident of Village- Dumra, P.S. Haspura, District- Aurangabad. At present
New Tapowan Colony, Kokar Chowk, Ranchi (Near Arbul Battery)

.... Petitioner/s

Versus

1. The State of Bihar
2. Rinki Devi, Wife of Ravi Ranjan Singh, Resident of Village- Dumra, P.S.
Haspura, District- Aurangabad (Bihar). At present Father Hari Narayan Pandey,
Village- Kaupa, P.S.- Karakat (Godari), District- Rohtas, Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Prasad Singh, Adv.
For the Opposite Party no.1 : Mr. Shardanand Jha, APP
For the Opposite Party no.2 : Mr.Nagendra Upadhayay, Adv.
Mr. Maya Shankar Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 11-10-2017

Heard learned counsel for the petitioners, learned
counsel representing the opposite party no.2 and learned APP for the
State.

The petitioner no.1 is the brother-in-law, petitioner
no.2 is the father-in-law, petitioner no.3 is the mother-in-law and
petitioner no.4 is the sister-in-law (wife of elder brother of the
husband) of the complainant-opposite party no.2. All the petitioners
are seeking quashing of the order dated 29.05.2013 passed by learned



S.D.J.M., Bikramganj (Rohtas) in Complaint Case No.196 of 2013 by which the learned S.D.J.M. has taken cognizance of the offence under Section 498A of the Indian Penal Code and decided to issue summons against the accused persons. No cognizance was taken of the offences alleged under Sections 406, 494 and 120B of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act.

Learned counsel for the petitioners submits that all these petitioners have falsely been implicated in the present case on a totally vague, general and omnibus allegation. He has brought on record the deposition of the enquiry witnesses also by filing a supplementary affidavit. According to learned counsel, the marriage was solemnized in the year 2005 and the present complaint came to be filed after about eight years. The allegations in the complaint petition only says that when the complainant reached her Naihar after marriage she was told by the accused clearly that if a motorcycle and one chain (Sikri) are not being given, she would not be taken by performing Bidai Ceremony. It is alleged that all the accused persons physically and mentally tortured her for not bringing the dowry. It is alleged that in connivance with the accused persons her husband had performed 2nd marriage on 19.09.2012.

Learned counsel submits that in the whole complaint petition or in the statement of the enquiry witnesses there is not even



whisper of any active participation or commission of any over act by these petitioners in the matter of demand of dowry or act of cruelty. The learned S.D.J.M. has not taken cognizance under Section 494 of the Indian Penal Code. There was not even a prima facie case brought before the learned court below to substantiate the allegation of 2nd marriage.

Learned counsel representing the opposite party no.2 though opposed the application for quashing of the impugned order, but in course of argument and while answering the specific question put to him he would accept the factual position as appearing from the complaint petition and the deposition of the enquiry witnesses that there is not a single line alleging any over act of cruelty against these petitioners who are family members.

This Court has considered the materials available on the record and submissions made at the bar. The petitioners in the case are close kith and kin of the husband. The petitioner no.1 is the brother-in-law who has nothing to do with the family of opposite party no.2. Similarly, the respondent no.4 is the wife of petitioner no.1. Save and except that they are family members, there is nothing in the complaint petition or deposition of witnesses to substantiate the allegations against them. The petitioner nos. 2 and 3 are the father-in-law and mother-in-law and against them also there is no specific



allegation of either demand of dowry or commission of any act of cruelty.

In the opinion of this Court, the prosecution of the present petitioners on the basis of the statements made in the complaint petition and deposition of enquiry witnesses is only an abuse of the process of the Court. The order taking cognizance and the issuance of summons as against them has been passed in a routine and mechanical manner, therefore the impugned order in so far as it relates to the present petitioners is hereby quashed.

The application is allowed to the extent indicated above.

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	
CAV DATE	
Uploading Date	14.10.2017
Transmission Date	14.10.2017

