

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3536 of 2014

Arising Out of PS.Case No. -170 Year- 2011 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Sant Lal Das Son Of Late Brahmdeo Paswan Resident Of Village - Mokama – Hardayal Tola, P.S.- Mokama, District - Patna.
 2. Binay Kumar Son Of Sant Lal Das Resident Of Village - Mokama - Hardayal Tola, P.S.- Mokama, District - Patna.
 3. Mukesh Kumar @ Mukesh Paswan Son Of Gariban Paswan Resident Of Village - Mokama - Hardayal Tola, P.S.- Mokama, District - Patna.
 4. Ranjana Devi Wife Of Mahadeo Paswan Resident Of Village - Mokama - Hardayal Tola, P.S.- Mokama, District - Patna.

.... Petitioners

Versus

1. The State Of Bihar
2. Kiran Kumari W/O Ranjeet Kumar Village - Mokama, Hardawal Tola, P.S.- Mokama, District- Patna.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate
For the Opposite Party/s : Mr. None

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 17-07-2017

This application for quashing is directed against order dated 17.12.2013 passed by learned S.D.J.M., Barh in Complaint Case No.170 of 2011 whereby he declined to discharge the petitioners. Thus rejected a petition filed under Section 245 of the Cr.P.C.

2. The allegation as levelled in the complaint case in brief is that she was married 10 years back with Ranjeet Kumar thereafter these petitioners father-in-law, mother-in-law and married Nanad started torturing her for further demand of dowry but not the



husband. The complainant is a teacher in government school and on transfer she started living at Mokamah.

3. It is alleged that on 8.4.2011 in the morning the accused persons made an attempt to strangle her and they also assaulted her husband.

4. Learned counsel appearing on behalf of the petitioners submits that complainant's husband is not an accused in this case lodged by the complainant she is a government teacher in a government school so employed and earning salary and living with her husband separately. In fact, this case was lodged by the complainant at the behest of her husband Ranjeet Kumar as they used to insist on partition. Accordingly, the husband filed a partition suit no.141 of 2012 before this proceeding also and proceeding under Section 107 of the Cr.P.C. was initiated against both sides and earlier complaint filed by father-in-law petitioner no.1 against his son Ranjeet Kumar and Kiran Kumari in Complaint Case No.369 of 2010, therefore, to put pressure for partition and to satisfy the personal vengeance this case has been filed.

5. Having considered rival submissions and on perusal of record, this Court is of the view that the present complaint has been filed by the daughter-in-law of the petitioner nos.1 and 2 to satisfy the personal vengeance. It appears that the complainant and her husband



are living together. There is no allegation against the husband for committing torture of releasing of further demand of dowry. Complainant is a teacher in a government school and it appears that husband has filed partition suit also against his father and brothers and petitioner no.4 Ranjana Devi is married Nanad having no concern with the demand of dowry and she lives with her husband in another village and Mukesh Kumar is the brother-in-law of petitioner no.2 Binay Kumar another son of petitioner no.1 is residing in Arunachal Pradesh so far away even he is made accused in this case. So the present case appears malicious in nature and continuation of the proceeding would be abuse of the process of the Court.

6. Therefore, for aforesaid reason the impugned order dated 17.12.2013 with respect to petitioners as well as further criminal proceeding against them in Complaint Case No.170 of 2011 is hereby set aside.

7. In the result, this application stands allowed.

(Arun Kumar, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	21-07-2017
Transmission Date	21-07-2017

