

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.34578 of 2014**

Arising Out of PS.Case No. -19 Year- 2013 Thana -MAHILA THANA District- MUZAFFARPUR

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1. Ram Chandra Prasad Singh S/o Late Damodar Singh  
2. Uma Devi W/o Ram Chandra Prasad Singh  
3. Navraj Kumar, S/o Ram Chandra Prasad Singh  
All R/o Mohalla Rajendrapuri, Speaker Chock, P.S. Kaji Mohammadpur, District Muzaffarpur.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Swarneem D/o Dr. Raghvendra Prasad Singh R/o Mohalla Station Road Gachhi Tola, P.S. Town, District Begusarai.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Niraj Sanidhya  
For the Opposite Party No. 2 : Mr. Prashant Kumar  
: Mr. Deovind Kumar Singh  
For the State : Mr. Akhileshwar Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR**

**ORAL JUDGMENT**

**Date: 31-07-2017**

This application under Section 482 of the Code of Criminal Procedure has been filed to quash the order dated 08.10.2013 passed by the learned S.D.J.M., Begusarai in Mahila (Begusarai) P.S. Case No. 19 of 2013 whereby and whereunder the learned Magistrate finding prima facie case for the offence under Section 498-A of the Indian Penal Code and 3 / 4 of the Dowry Prohibition Act took cognizance of offence against these petitioners.

2. Heard the learned counsels for the petitioners, Opposite Party No. 2 and A.P.P. for the State.



3. The learned counsel for the petitioners submits that he does not want to press this criminal miscellaneous application on behalf of the petitioner No. 3. The prayer of the petitioner No. 3 for quashing against him is permitted to be withdrawn.

4. The learned counsel for the petitioner nos. 1 and 2 submits that these petitioners are the father and mother of the husband of Opposite Party No. 2 (informant). The allegation of demand of Rs. 3,00,000/-, one flat at Delhi and one four wheeler (car) has been made only to make the offence grave. The Opposite Party No. 2 herself left the matrimonial house as she was not willing to live with her husband. At the time of investigation, two independent witnesses, who are the neighbours of the petitioners, have denied the allegation as made by the informant. The husband of Opposite Party No. 2 had filed a divorce case, which is pending in the court of Principal Judge, Family Court. The court below without applying judicial mind has taken cognizance, which is bad in law and is fit to be quashed. The learned counsel for the Opposite Party No. 2 as well as the learned A.P.P. for the State opposed the submissions.

5. On perusal of F.I.R., I find that the Opposite Party No. 2 (informant) has specifically alleged that her husband and in-laws started demanding vehicle, one flat at Delhi and cash amount



immediately after two or three days of her arrival at matrimonial house. They used to torture and assault her. She was ousted from the matrimonial house. The brother of the informant at one point of time had visited at the place of these petitioners to pacify the matter where he was assaulted for which Nav Kothi P.S. Case No. 14 of 2013 was registered. From the impugned order, it appears that the matter was investigated and the learned Magistrate finding element of cruelty and demand of dowry also against these petitioners took cognizance of offence.

6. Considering the sufficient material against these petitioners for their prosecution under Section 498-A of the Indian Penal Code and 3/ 4 of the Dowry Prohibition Act, the order taking cognizance cannot be said to be bad in law. This application is devoid of merit and is, accordingly, dismissed.

**(Sanjay Kumar, J)**

ajaypd./-

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| CAV DATE          | NA         |
| Uploading Date    | 02.08.2017 |
| Transmission Date | 02.08.2017 |

