

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39892 of 2014

Arising Out of PS. Case No.-2564 Year-2011 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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1. Chandan Kumar @ Chandan Chaudhary Son of Birendra Choudhary Resident of Village - Harpur Velva, P.S. - Mahua, District - Vaishali
 2. Sunil Choudhary Son of Birendra Choudhary
 3. Guri Devi Wife of Sunil Choudhary
 4. Birendra Choudhary Son of Late Bishan Lal Choudhary
 5. Ram Bilash Choudhary Son of Late Mishri Lal Choudhary
 6. Sudha Devi Wife of Ram Bilash Choudhary
 7. Sushila Devi Wife of Birendra Choudhary Sl. No. 2 to 7 are resident of Village - Jhangirpur Salkhni, P.S. - Mahua, District - Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Poonam Devi, Wife of Chandan Choudhary, D/o Lal Babu Choudhary Resident of Dhabhauchh, P.S. - Tisiauta, District - Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Adv
For the State : Mr. RAM BACHAN SINGH (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 13-12-2017

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

In spite of name of learned counsel for the O.P No. 2
appearing in the daily cause list, no one has appeared on behalf
of O.P. No. 2.

This petition under Section 482 of the Cr.P.C has
been filed for quashing the order dated 12.06.2012 passed by
learned Sub Divisional Judicial Magistrate, Hajipur in



Complaint Case No. 2564 of 2011 by which cognizance under Section 498A of the IPC and Section 4 of the Dowry Prohibition Act, has been taken against the petitioners.

Briefly stated the facts of the case is that complainant-Opposite Party No. 2 Poonam Devi, filed a complaint petition before the Chief Judicial Magistrate, Vaishali at Hajipur giving rise to Complaint Case No. 2564 of 2011 stating therein that the marriage of complainant was solemnized on 05.06.2008 with Chandan Kumar (petitioner no. 1) in accordance with hindu rites and customs. She went to her matrimonial home and lived there for one month peacefully and came back to her parental house. It has been stated that after 15 days, the husband of the complainant-Opposite Party No. 2 came and demanded Rs. 1 Lacs from her father for doing business on which her father showed his inability to give the said amount and thereafter her husband-petitioner no. 1 returned to his house. After four months, her second marriage (Gauna) was performed and Rs. 50,000/- was given and she went to her matrimonial home where again Rs. 1 Lac was demanded from her father and non payment of which, she was again subjected to torture and harassment and her in-laws also attempted to kill her.



The complainant-opposite party no. 2 was examined on S.A. by the court below and in support of her complaint case, witnesses were also examined by the court below and on the basis of S.A. of complainant-opposite party no. 2 and enquiry witnesses, the court below found *prima facie* case to be made out against the accused-petitioners and took cognizance of the offence under Section 498A of the IPC and Section 4 of Dowry Prohibition Act and issued summons for their appearance to face the trial.

Learned counsel for the petitioners submit that the case is false, fabricated and concocted. There was no any demand of dowry or any harassment was inflicted upon the complainant-opposite party no. 2. Petitioner no. 1 is the husband of complainant-opposite party no. 2 and is ready to keep her with full dignity and honour. Petitioner no. 2 Sunil Choudhary is the Brother-in-Law (Bhaisur), petitioner no. 3 Guri Devi is the Sister-in-Law, petitioner no. 4 Birendra Choudhary is the Father-in-Law, petitioner no. 5 Ram Bilash Choudhary is the cousin Father-in-Law, petitioner no. 6 Sudha Devi is the cousin Mother-in-Law and petitioner no. 7 Sushila Devi is the Mother-in-Law of complainant-opposite party no. 2.

After going through the contents of complaint



petition, it appears that there is allegation of demand of dowry against the husband of complainant-opposite party no. 2 only and there is no allegation of any specific over act of torture or demand of dowry against rest of the family members of husband-petitioner no. 1.

Considering the facts and circumstances of the present case, the order taking cognizance dated 12.06.2012 so far it relates to petitioner nos. 2 to 7 is hereby quashed.

However, no interference is made so far as continuance of present criminal proceeding against husband-petitioner no. 1 is concerned.

The petition is partly allowed.

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18.12.2017
Transmission Date	18.12.2017

