

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47134 of 2013

Arising Out of Case No. -null Year- null Thana -null District- PATNA

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Yogendra Thakur @ Jogendra Kumar S/O Late Surendra Kumar Resident of Bhuli Block - E, Quarter No. 566, P.S. Bhuli (Bank Morh), District - Dhanbad (Jharkhand)

.... Petitioner/s

Versus

1. The State Of Bihar
2. Arti Devi S/O Jairam Vishakarma Resident of Bhuli Block, Sector - 2, Quarter No. 316, P.O. - Bhuli, P.S. - Bhuli, District - Dhanbad (Jharkhand)

.... Opposite Party/s

with

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Criminal Miscellaneous No. 14250 of 2014

Arising Out of Case No. -1046 Year- 2011 Thana -PATNA COMPLAINT CASE District- PATNA

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1. Kamla Devi @ Kamla Kuar W/O Late Jagarnath Vishwakarma
2. Jai Ram Vishwakarma S/O Late Jagarnath Vishwakarma
Both Resident of B-Block, Sector-2, Quarter No. 316, P.O. Bhuli, P.S. Bhuli, District Dhanbad (Jharkhand).

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Arti Devi W/O Jai Ram Vishwakarma Presently Reside At D/O Dharmdas Vishwakarma, Resident Of Mohalla Chandmari Road Gate No. 07, Kankarbagh, P.S. + District Patna.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.47134 of 2013)

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

(In Cr.Misc. No.14250 of 2014)

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 28-06-2017

Heard learned counsel for the parties.

2. Both the quashing petitions arise out of common order

dated 05.01.2012 passed by the Sub Divisional Judicial Magistrate,



Patna in Complaint Case No. 1046(C) of 2011 whereby cognizance has been taken against the petitioners under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

3. Learned counsel for the petitioners submits that as far as Yogendra Thakur @ Jogendra Kumar (petitioner in Cr. Misc. No. 47134 of 2013) is concerned, no offence under Section 498A of the Indian Penal Code or under the Dowry Prohibition Act, is attracted because he is not even a distant relative of the husband of the complainant and the only allegation against him is of abatement, that too not supported by complainant in her statement recorded on solemn affirmation. The allegation against petitioners of Cr. Misc. No. 14250 of 2014, namely, Kamala Kuer @ Kamla Devi and Jaia Ram Vishwakarma, mother-in-law and father-in-law respectively of the complainant, is general and omnibus against them.

4. Learned counsel for the O.P. No. 2 submits that the allegations levelled in the complaint petition as well as evidence adduced during the enquiry stage do make out a *prima facie* case under which cognizance has been taken.

5. It is an admitted position that petitioner Yogendra Thakur is not even a distant relative of the husband of the complainant rather he is a teacher in the said locality and there is no specific allegation against him so the present criminal proceeding including



the cognizance order dated 05.01.2012, with respect to him only, is set aside and Cr. Misc. No. 47134 of 2013 stands allowed.

6. As far as Kamala Kuer @ Kamla Devi and Jaia Ram Vishwakarma, mother-in-law and father-in-law, are concerned, *prima facie* case against both under Section 498A and Section 4 of the Dowry Prohibition Act is made out, so no ground for interference in the cognizance order is made out. Hence, Cr. Misc. No. 14250 of 2014 is dismissed and further criminal proceeding will continue against them in accordance with law.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
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