

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47576 of 2013

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1. Renu Kumari @ Soni Kumari D/O Baban Prasad Keshri Resident Of Swayambar Vastralaya Beneath State Bank Of India, Near Puran Chouk, Buxar, P.S. Buxar (Town), District - Buxar
 2. Rukmini Devi W/O Baban Prasad Keshri Resident Of Swayambar Vastralaya Beneath State Bank Of India, Near Puran Chouk, Buxar, P.S. Buxar (Town), District - Buxar
 3. Baban Prasad Keshri S/O Late Basaon Keshri Resident Of Swayambar Vastralaya Beneath State Bank Of India, Near Puran Chouk, Buxar, P.S. Buxar (Town), District - Buxar
 4. Tinku Prasad Keshri S/O Baban Prasad Keshri Resident Of Swayambar Vastralaya Beneath State Bank Of India, Near Puran Chouk, Buxar, P.S. Buxar (Town), District - Buxar

.... Petitioners

Versus

1. The State Of Bihar
2. Harshita Devi D/O Suresh Prasad Keshri Resident Of Tari Muhalla, Ara, P.S. - Ara (Town), District - Bhojpur (Ara)

.... Opposite Parties

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Appearance :

For the Petitioners	:	Mr. Bachan Jee Ojha, Advocate.
For the State	:	Mr. Matloob Rab (APP)
For the Informant	:	Mr. Mohit Shrivastava, Advocate
		Mr. Vijay Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

6 04-05-2017 This Criminal Miscellaneous has been filed for quashing the order dated 26.09.2011 passed in Complaint Case No. 2413 (C) of 2010/ Trial No. 2953 of 2011 by the learned Sub. Divisional Judicial Magistrate, Bhojpur at Ara, whereby and whereunder, cognizance has been taken for the offences under sections 498 A and 406 of the I.P.C. and section 3/4 of the Dowry Prohibition Act against the petitioners as well as the husband of



the complainant.

Heard the learned counsel for the petitioners, the learned A.P.P. for the State and the learned counsel for the complainant.

The complainant filed the complaint case alleging that on 06.05.2007 the complainant was married with Vindhyachal Prasad Keshri, the son of petitioner nos. 2 and 3 and thereafter she started to lead conjugal life, but in the matrimonial house she was being tortured for dowry by way of Rs. 50,000/- and one golden chain. At last she was ousted from the in-laws house on 23.11.2010 by all the accused persons including the petitioners and since then she is residing in her parental house.

The complainant was examined on the solemn affirmation and further five enquiry witnesses have been examined and on the basis of the complaint petition, statement of the complainant on the solemn affirmation and the statements of the five enquiry witnesses the learned Sub. Divisional Judicial Magistrate passed the impugned order taking cognizance under sections 498 A and 406 of the I.P.C and section 3/4 of the Dowry Prohibition Act against all the five accused persons named in the complaint petition including the petitioners.

On behalf of the petitioners it is submitted that



petitioner no.1 is Nanad, petitioner no.2 is mother-in-law, petitioner no.3 is father-in-law and petitioner no.4 is Devar of the complainant. There is no specific allegation against them in the complaint petition and only general and omnibus allegations have been made. They are not in any way concern with the affairs of the complainant and her husband. The complainant and her husband were living separately from the petitioners and as such the petitioner's implication in this case is sheer misuse of process of law.

The learned A.P.P. and the learned counsel for the complainant, on the other hand, submit that in the complaint petition the allegation is against all the accused persons including the petitioners and all of them have committed the offence. They have also caused threats to marry the husband of the complainant again. The complainant has tried to talk with the petitioners but after seeing her number on the mobile they used to switch off the mobile.

Having considered the submissions urged at the bar, going through the complaint petition and the impugned order it is manifest that the learned S.D.J.M. has passed the order after perusal of the complaint petition, considering the statement of the complainant on the solemn affirmation and the statements of five



enquiry witnesses and cognizance was taken under sections 498 A and 406 of the I.P.C. and section 34 of the Dowry Prohibition Act. The marriage was solemnized on 06.05.2007 itself and after two-three days all the accused persons started demanding gold chain and cash of Rs. 50,000/- and due to non fulfillment she was being tortured and assaulted. Against petitioner no.3 there is specific allegation also that he used to forbade the husband of the complainant to go in the room of the complainant. Two times abortion were done by administering medicines to the complainant. It is alleged in the complaint petition that all assaulted her and when the father of the complainant came to see her they also manhandled the family members of the complainant. Thus, the learned Magistrate has rightly passed the impugned order and there is no illegality and incorrectness.

In the result, finding no merit in this Criminal Miscellaneous, the same is hereby dismissed.

(Jitendra Mohan Sharma, J)

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