

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41817 of 2013

Arising out of P.S.Case No.3624 Year 2012 Thana SARAN COMPLAINT CASE District- SARAN

- =====
1. Anandi Thakur, Son of Late Laxman Thakur
 2. Ramashraya Sharma, Son of Anandi Thakur
 3. Ravi Kumar, Son of Ramashraya Sharma
 4. Rinku Kumari @ Rinku Kumar, Son of Ramashraya Sharma
 5. Pinki Kumari, Daughter of Ramashraya Sharma
 6. Priyanka Kumari, Daughter of Ramashraya Sharma
 7. Shanti Devi, Wife of Ramashraya Sharma
- All residents of Pokhra, Mohalla Lichchhavi Nagar, P.S. Hajipur,
District Vaishali

.... Petitioners

Versus

1. The State of Bihar
2. Shambhu Prasad, Son of Late Suraj Prasad, Resident of Village Barbatta, P.S. Sonpur, District Chapra (Saran).

.... Opposite Parties

=====

Appearance :

For the Petitioners : Mr. Shrinandan Pd. Singh, Advocate
Mr. Surendra Pd. Singh, Advocate
Mr. Naresh Nandan, Advocate

For the State : Mr. Nand Kishore Yadav, APP

For O.P. No.2 : None

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

5 22-06-2017 This quashing petition is filed against order dated 22.06.2013, passed in Complaint Case No.3624 of 2012 by learned Judicial Magistrate, 1st Class, Chapra whereby cognizance has been taken under Sections 223, 341, 380 and 406/34 of the Indian Penal Code.

The learned counsel for the petitioners submits that daughter of petitioner no.2 was married with the son of the complainant on 02.03.2012 but after marriage they started torturing her in connection with further demand of dowry, so she



was compelled to file a case under Section 498A of the Indian Penal Code on 26.10.2012 and in retaliation to wreck vengeance, the complainant filed this frivolous case. The allegation alleged in the complaint petition is also absurd and improbable. The present complaint was filed on 01.11.2012 for alleged offence dated 24.10.2012. Already she was ousted from her matrimonial home due to non-fulfillment of demand for bringing more dowry. Thereafter she lodged a complaint case under Section 498A of the Indian Penal Code against her husband and the complainant of the present case, Pinki Kumari, petitioner no.5 was kicked out of the matrimonial home on 24.10.2012. Subsequently to make a defence her father-in-law Shambhu Prasad filed the present complaint case on 01.11.2012.

The learned APP appearing on behalf of the State supported the impugned order.

The complainant is non-else rather the father-in-law of petitioner no.5 and rest other accused are her parents and other family members. The allegation is that after marriage, the family members of the daughter-in-law always tried to take her back from the matrimonial home and on the alleged day, they came and forcibly took away her daughter-in-law along with all jewelleries, clothes and other articles. The allegations levelled in the complaint



also appears improbable as no father of a daughter or her family members will forcibly take back his daughter from matrimonial home or in any way would like to disturb conjugal life of own daughter rather the fact is contrary that the daughter-in-law of the complainant Pinki Devi, petitioner no.5 has lodged a case under Section 498A of the Indian Penal Code against her husband, father-in-law as she was driven out of her matrimonial home prior to lodging of the complaint case hence this complaint appears to have been filed to wreck vengeance against the petitioners and also appears malicious in nature, so the impugned order dated 22.06.2013, passed in Complaint Case No.3624 of 2012 by learned Judicial Magistrate, 1st Class, Chapra as well as subsequent criminal proceeding is set aside.

This quashing petition is allowed.

(Arun Kumar, J.)

S.Kumar/-

U		T	
---	--	---	--

