

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41961 of 2013

Arising Out of PS.Case No. -7 Year- 2013 Thana -BELAGANJ District- GAYA

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1. Vimal Singh Son Of Late Baskrit Singh Resident Of Village - Tikuli, P.S.- Belaganj, District - Gaya

2. Shakuntala Devi Wife Of Nawal Kishore Singh Resident Of Village - Tikuli, P.S.- Belaganj, District - Gaya

.... Petitioners

Versus

1. The State Of Bihar

2. Vandana Singh Wife Of Kaushal Kishore Singh Resident Of Village - Tikuli, P.S.- Belaganj, District - Gaya, At Present D/O - Baleshwar Singh Resident Of – village- Rampur Diyara (Tinkhuti), P.S. – Bakhtiyarpur, District- Patna.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Surendra Kumar Mishra, Advocate

For O.P. No.2 : Mr. Ashok Kumar Sinha, Advocate

For the State : Mr. S.M. Rahman, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 30-06-2017

The instant petition is filed for setting aside the order dated 26.7.2013 taking cognizance of offence under Sections 498(A), 323, 341, 504 of Indian Penal Code and 3/4 of Dowry Prohibition Act passed by C.J.M., Gaya in Belaganj P.S. Case No.7 of 2013.

2. Learned counsel for the petitioners submits that petitioner no.1 is cousin of the father-in-law of the informant and is separate in mess and residence. The allegation against petitioner no.1 is just passing a reference that he abused and torture given by mother-in-law on one occasion, but there is nothing specific against him regarding making demand of



dowry and torture.

3. Learned counsel appearing on behalf of the opposite party no.2 submits that earlier the another accused, the husband of the informant had filed a quashing petition in Cr. Misc. No.42535 of 2013 by order dated 8.4.2017 which was disposed of as the husband withdrew the application.

4. The allegation in brief in the F.I.R. is that the informant was married in the year 2007 with Kaushal Kishore Singh, another accused and it is alleged that one day he came to the house and assaulted for not bringing the dowry of Rs.2,00,000/- and also raised that husband married with another women and only allegation against these petitioners is that they instigated her husband to assault her however in addition to that the specific allegation against mother-in-law is of keeping her all jewellerys and to oust her from matrimonial home. The only allegation against Vimal Singh petitioner no.1 cousin father-in-law of the complainant is that he used to instigate her husband for torturing her to bring more dowry. This petitioner is cousin of complainants father-in-law so will not be benefitted by bringing more dowry as he is so distantly related. So the order taking cognizance only with respect to petitioner no.1, Vimal Singh is set aside whereas prayer of setting aside criminal proceeding against petitioner no.2 is dismissed.



5. Accordingly, this quashing petition is partly
allowed.

(Arun Kumar, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
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