

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7976 of 2014

Arising out of P.S. Case No.1469 Year 2013 Thana BHOJPUR COMPLAINT CASE District
BHOJPUR

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1. Ranjana Kumari @ Ranjana Devi W/o Amit Kumar D/o Bindeshwar Singh At Present Resident of Village Bhimpura, P.S. Ajimabad, District Bhojpur At Ara.
 2. Maya Devi W/o Nagendra Singh Resident of Village Bhimpura, P.S. Ajimabad, District Bhojpur At Ara.
 3. Bindeshwar Singh S/o Late Sitaram Singh
 4. Lalpari Devi W/o Bindeshwari Singh R/o Village Bhimpura, P.S. Ajimabad, District Bhojpur At Ara.

.... Petitioners

Versus

1. The State of Bihar.
2. Sujit Kumar Singh S/o Umeshwar Prasad Singh Resident of Village Chanda, P.O. Deo, P.S. Sikrahta, District Bhojpur At Ara At Present Resident of Mohalla Rajendra Nagar, P.S. Ara Nawada, District Bhojpur At Ara.

.... Opposite Parties

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Appearance :

For the Petitioners	:	Mr. Amarnath Jha, Advocate
For the State	:	Mr. Ajay Kumar-I, APP
For O.P. No.2	:	Mr. Arun Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 21-07-2017

Heard learned counsel for the parties.

2. The petitioners have filed this quashing petition challenging order dated 08.01.2014, passed by learned Judicial Magistrate, 1st Class, Bhojpur, Ara in Complaint Case No.1469(C) of 2013 whereby he has taken cognizance of the offence under Sections 323, 504 and 379/34 of IPC.

3. Allegation in brief is that on the alleged day of occurrence, accused persons suddenly came to the residence of the complainant while litigants were engaged in consultation with his father, a practicing advocate in Civil Court Ara. Petitioner no. 1 wife



of the brother of the complainant had filed a case under Section 498A of IPC but cognizance order was set aside in quashing petition. It is alleged that all the accused persons tried to snatch the file of the complainant's father, and Maya Devi committed theft by taking away Rs.1,000/-, Kanchan Devi threw sandle and Bindeshwar Singh committed theft of a book from the office of the complainant's father.

4. Learned counsel for the petitioners submits that petitioner no.1, Ranjana Kumari @ Ranjana Devi was married with Amit Kumar Singh, brother of Sujit Kumar Singh, the complainant of the present case. She had filed Sikarhata P.S. Case No.64 of 2011 under Sections 498A/34 of IPC against her husband and other family members including the present complainant as she was being tortured in her matrimonial home in connection with demand of dowry. Amit Kumar Singh also instituted a divorce suit before the family court and thereafter this false complaint case was filed by the husband side to put pressure on petitioner no.1. Other petitioners are her younger sister and parents so this prosecution is malicious in nature whereas the learned counsel appearing on behalf of opposite party no.2 submits that considering the allegation in the complaint and statement of witnesses given during the enquiry stage, cognizance has been taken so there is no illegality in the said order.

5. Having considered rival submissions and on perusal



of the records, it becomes apparent that Ranjana Kumari @ Ranjana Devi, petitioner no.1, one of the accused of the instant complaint case is the wife of younger brother of the complainant. There also appears matrimonial discord between husband and wife and she had earlier lodged a police case against her husband and all other family members including the present complainant under Section 498A of IPC. Subsequently the husband filed a divorce suit and now this present complaint case was instituted alleging theft of Rs.1,000/- and a book of C.P.C. against the father-in-law of the complainant's brother. In the backdrop of these facts, it becomes apparent that in-laws of petitioner no.1 have lodged this complaint case maliciously alleging case of theft and simple assault that too inside their house so continuation of the present prosecution against petitioners is not in the interest of justice rather would be abuse of the process of the court, so the order dated 08.01.2014, passed by learned Judicial Magistrate, 1st Class, Bhojpur, Ara in Complaint Case No.1469(C) of 2013 and subsequent criminal proceeding is set aside.

6. The quashing petition stands allowed.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.08.2017
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