

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10537 of 2015

Arising Out of PS.Case No. -192 Year- 2014 Thana -BUXAR COMPLAINT CASE District-
BUXAR

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1. Shekhar Singh @ Vijay Singh Son of Late Shatrughan Singh (Husband)
 2. Rajni Singh, Wife of Late Shatrughan Singh (Mother in-Law)
 3. Sanjay Singh S/o Late Shatrughan Singh(Brother-in-law) Bhaisur
 4. Shyam Mohan Singh S/o Late Shatrughan Singh (Brother-in-law-Dewar)
 5. Smt. Sadhna Singh, Wife of Sanjay Singh (Gotni) All are resident of Subhash Nagar, Mugalsarai (Besides Bhaiyalal Sabhasad), P.S. - Mugalsarai District - Chandauli (U.P.)

.... Petitioners

Versus

1. The State of Bihar.
2. Priyanka Kumar, D/o Brahm Dayal Singh, Wife of Sri Shekhar Singh, Resident of Mohalla - Mathiya Mohalla - Ward No. 14, P.S. - Buxar Town, District -Buxar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ashok Kumar Singh
For the State : Mr. Pushpa Sinha 2(App)
For the O.P. No. 2 : Mr. Brij Mohan Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

4 08-12-2017 Heard learned Counsel for the petitioners as well as the learned Counsel for the State as also the learned Counsel appearing on behalf of Opposite party No. 2.

The petitioners seek quashing of the cognizance order dated 15.5.2014 passed by the learned SDJM Buxar in Complaint Case No. 192(C) of 2014, thereby taking cognizance of the offence under Section 498A of the IPC and Section 4 of the Dowry Prohibition Act and summoning them to stand trial in the case.

The brief fact giving rise to the case is that the



complainant (O.P. No. 2) filed a complaint in the year 2014 alleging therein that after solemnization of her marriage on 25.6.2004 with Shekhar Singh (Petitioner No. 1), all accused persons further started making demand of dowry and torturing her in that connection. In the year 2006 the complainant's father gave Forty thousand rupees to her husband for purchasing motorcycle. From the next year he further started making demand of Five lakhs rupees for starting a business and the elder brother started making demand of a Jarsi cow and in that connection they used to torture her and ultimately in the year 2013 they ousted her from the matrimonial home.

Learned Counsel for the petitioners submits that the allegations are general against the accused persons and this case was lodged after a decade of the marriage. During pendency of the case the husband made several efforts to compromise and has taken her back also but she being an ambitious lady does not want to live in the village and again went back.

Contrary to this learned Counsel appearing on behalf of Opposite party No. 2 has filed a counter affidavit and submits that that it is a fact that the husband had taken her back but again started torturing her and she was compelled to leave the matrimonial home, thereafter she filed a petition in this regard in the Court of SDJM. The husband now has filed a divorce suit in the year 2015.

Having considered the rival submission and on perusal of the record the Court finds specific acquisition against husband



petitioner No. 1 in view of that statement made in the complaint as well as in the statement given by the complainant on S/A but as far as the rest other petitioners are concerned, the allegation against them are not specific, only by way of casual reference their names are mentioned in the complaint petition. The allegation is only specific against the husband making demand of motorcycle which was fulfilled by the complainant's father but again he reiterated further demand of Five lakhs rupees for starting a business. So prima facie case under Section 498A IPC and Section 4 of the Dowry Prohibition Act is not attracted against petitioner Nos. 2 to 5. Therefore, entire criminal proceeding inclusive of the cognizance order dated 15.5.2014 is hereby quashed with respect to petitioner Nos. 2 to 5 in reference to Complaint Case No. 192© of 2014, whereas the criminal proceeding shall further continue against petitioner No. 1 Shekhar Singh @ Vijay Singh, the husband of the complainant.

The application stands disposed of.

(Arun Kumar, J.)

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