

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20325 of 2011

Arising Out of PS.Case No. -0 Year- null Thana -null District- WESTCHAMPARAN(BETTIAH)

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1. Pramod Kumar Rai son of Bashishtha Rai
 2. Indira Devi wife of Pramod Kumar Rai, resident of village Khairatiya, P.S.- Navalpur, District- West Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Suman Rai @ Suman Kumari Sharma, wife of Amarendra Kumar Rai @ Munna Rai, D/o Surendra Kumar Sharma, R/o Khairatiya, P.S. Navalpur, District- West Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey
For the Opposite Party/s : Mr. Harendra Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT

Date: 20-06-2017

Heard learned counsel for the parties.

Petitioners, by means of this application under section 482 of the Code of Criminal Procedure, have invoked the inherent jurisdiction of this Court with prayer to quash the order dated 03.01.2011, passed by Sub Divisional Judicial Magistrate, Bettiah, West Champaran, in Tr. No. 2209 of 2010/2024 of 2011 arising out of Complaint Case No. 966C of 2010, whereby cognizance has been taken against the petitioner for the offences under section 498A of the Indian Penal Code.

The contention of the learned counsel for the petitioners is that no offence against the petitioner is disclosed and



the present prosecution has been instituted with mala fide intention for the purposes of harassment. It is further submitted that the matter has been compromised between the husband and wife. Husband had moved this Hon'ble Court in Cr. Misc. No. 22010 of 2011 and this Hon'ble Court vide order dated 29.10.2013 considering the compromise between the parties quashed the order dated 03.01.2011 alongwith entire prosecution against the husband. There are general and omnibus allegations against all the accused persons. Nothing specific has been alleged against these petitioners. As such, learned counsel prays for quashing of the order taking cognizance against these petitioners as well.

From perusal of the materials available on record specially the order dated 29.10.2013 passed in Cr. Misc. No. 22010 of 2011, it appears that allegations levelled are general against all the accused persons including the husband of the complainant. Order taking cognizance and the entire prosecution against the husband has been quashed by this Court. As such, continuance of the present prosecution against these petitioners, who are relatives of the husband, will be an abuse of the process of the Court. Accordingly, order taking cognizance dated 03.01.2011 passed by Sub Divisional Judicial Magistrate, Bettiah, West Champaran, in Tr. No. 2209 of 2010/2024 of 2011 arising out of Complaint Case No. 966C of 2010



alongwith the entire prosecution against these petitioners is quashed.

The application accordingly stands allowed.

(Arvind Srivastava, J)

Manish/-

AFR/NAFR	AFR
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