

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.37794 of 2014**

Arising Out of PS.Case No. -303 Year- 2008 Thana -PATNA COMPLAINT CASE District-  
PATNA

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1. Manoj Kumar, Son of Late Doman Sah Halwai @ Doman Sah  
2. Piyriya Devi @ Payari Devi, W/o Late Doman sah halwai @ Doman Sah  
3. Chinta Devi, W/o Dinesh Prasad Gupta  
4. Renu Devi D/o Doman Sah, Halwai @ Doman Sah  
5. Savita @ Sabita Devi ,W/o Bhola Sao All resident of Mohalla - Dihura, Police  
Station - Alipur, District- Gaya.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Mamta Devi, W/o Manoj Kumar, Resident of Mohalla - Mir Ki Bag (in the house  
of Bechan Prasad Mastar Sahab), Police Station - Khajekala, District- Patna.

.... .... Opposite Party/s

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**Appearance :**  
For the Petitioner/s :  
For the Opposite Party/s :

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR**

**ORAL JUDGMENT**

**Date: 20-11-2017**

Heard learned counsel for the petitioner and learned  
counsel for the State.

2. Petitioners seek quashing of order dated 27.06.2014  
passed by the Sub Divisional Judicial Magistrate, Patna City in  
Complaint Case No. 303 of 2008 thereby taking cognizance of  
offence under section 498A of I.P.C. and Section 4 of the Dowry  
Prohibition Act.

3. A short fact leading to filing of the present complaint  
case is that complainant marriage was solemnized on 04.05.2001 with  
Manoj Kumar, petitioner no. 1. Only after passing of 10 days, all



accused persons started torturing her in connection with further realizing demand of dowry, they asked for transferring by her father a residential house in the name of husband. It is alleged that for purchasing house, the father of the complainant assured the accused persons to give financial help and gave Rs. 20,000/- five times to the husband, father-in-law and mother-in-law of the complainant but continued to torture her, ultimately she was ousted from matrimonial home.

4. Learned counsel for the petitioner submits that the impugned order was passed in mechanical way despite no *prima facie* case is made out against the petitioners no. 2 to 5. Petitioner no. 2 is mother-in-law; whereas petitioners no. 3, 4 and 5 are *nanads*, out of them two are married *nanads*.

5. Having considered the rival submissions of both sides, and on perusal of record, the Court finds that allegation relating to making demand and torture is specific against the petitioners no. 1 and 2 of this application who are husband and mother-in-law of the complainant however, rest other petitioners, who are *nanads*, out of which, two are married living at distant place and another unmarried and have no concern in day to day affairs of the complainant and her husband; moreover, allegations are sweeping in nature and there is no specific allegation with regard to making demand of dowry or torture



against them except casual reference of theirs. So *prima facie*, no offence under Section 498A of I.P.C. and Section 4 of Dowry Prohibition Act is attracted against petitioners no. 3,4 and 5 namely, Chinta Devi, Renu Devi and Savita @ Sabita Devi , hence, cognizance order dated 27.06.2016 and subsequent criminal proceeding with respect to these three are hereby quashed.

6. As far as petitioners no. 1 and 2, namely, Manoj Kumar and Piyriya Devi @ Payari Devi are concerned, the criminal proceeding will proceed further in accordance with law.

7. Accordingly, this application stands disposed of.

**(Arun Kumar, J)**

Sujit/-

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