

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

**Criminal Miscellaneous No.3598 of 2014**

Arising Out of PS.Case No. -821 Year- 2011 Thana -SAHARSA COMPLAINT CASE District-  
SAHARSA

=====

Satish Chandra Pathak Son Of Harish Chandra Pathak Resident Of Village - Baisi,  
Police Station - Karjain Bazar, District - Supaul

.... .... Petitioner

Versus

1. The State Of Bihar  
2. Smt. Pushplata Jha Wife Of Satish Chandra Pathak, Daughter Of Sri Amarnath  
Jha Resident Of Mohalla - Pratap Nagar, Ward No. New 16 Old No. 19, Police  
Station and District - Saharsa

.... .... Opposite Parties

with

=====

**Criminal Miscellaneous No. 15329 of 2014**

Arising Out of PS.Case No. -821 Year- 2011 Thana -SAHARSA COMPLAINT CASE District-  
SAHARSA

=====

1. Harishchandra Pathak, Son Of Late Anant Pathak,  
2. Lalita Devi, Wife Of Harishchandra Pathak  
3. Sanju Kumari, Wife Of Amarnath Jha, Daughter Of Harishchandra Pathak.  
4. Prashant Kumar Pathak, Son Of Harishchandra Pathak.  
5. Krishna Pathak, Wife Of Prashant Kumar Pathak, All Are Resident Of Village-  
Baisi, Police Station- Karjain Bazar, District- Supaul

.... .... Petitioners

Versus

1. The State Of Bihar  
2. Smt. Pushplata Jha, Wife Of Satish Chandra Pathak, Daughter Of Shri Amarnath  
Jha, Resident Of Mohalla- Pratap Nagar, Ward No. New 16 Old No. 19, Police  
Station and District- Saharsa

.... .... Opposite Parties

=====

**Appearance :**

(In Cr.Misc. No.3598 of 2014)

For the Petitioner : Mr. Chandra Mohan Jha, Advocate

For the State : Mr. D.P. Tiwary, A.P.P.

(In Cr.Misc. No.15329 of 2014)

For the Petitioners : Mr. Chandra Mohan Jha, Advocate

For the State : Mr. Pranav Kumar, A.P.P.

=====

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

**ORAL JUDGMENT**

**Date: 17-07-2017**



Both Cr. Misc. No.3598 of 2014 as well as Cr. Misc. No.15329 of 2014 are taken together for disposal as both quashing petitions have been filed against common order of taking cognizance.

2. The petitioners have filed quashing application challenging the order dated 21.1.2012 passed by Judicial Magistrate 1<sup>st</sup> Class, Saharsa in Complaint Case No.821-C of 2011 whereby has taking cognizance of the offence under Sections 498(A), 323 and 504 of the Indian Penal Code.

3. The complainant's case in brief is that the accused persons started making demand of further dowry after solemnization of her marriage with Satish Chandra Pathak on 21.6.1995. She also alleged that she could not bear child. On this account also they used to torture her and on 26.9.2010 all assaulted her and forcibly took her signature on plane paper. Ultimately on 19.6.2011 she was ousted from the matrimonial home.

4. Learned counsel appearing on behalf of the petitioners submits that the marriage was solemnized in the year 1995 but after lapse of 16 years this present complaint has been filed. The husband is a teacher in a government school and posted in Darbhanga whereas petitioners of Cr. Misc. No.15329 of 2014 are father-in-law, mother-in-law, Nanad and brother of the complainant's husband and his wife. For all practical purposes, these family members are living at



Supaul at their ancestral home whereas husband resides at Darbhanga. and petitioner no.3 is a married Nanad she is living in her matrimonial home and petitioner no.4 Prashant Kumar Pathak brother of the husband of the complainant is an employed in Arunachal Pradesh. The husband filed a divorce suit in the year 2010 and thereafter the present complaint case was filed by the wife.

5. Learned Additional Public Prosecutor submits that there is no illegality in the impugned order.

6. Having considered rival submissions and on perusal of record I find that allegation against Satish Chandra Pathak husband of the complainant, petitioner of Cr. Misc. No.3598 of 2014 is specific relating to torturing his wife in connection with demand of dowry as well as for the reasons she could not bear a child so the petition filed by him is dismissed.

7. As far as rest petitioners of Cr. Misc. No.15329 of 2014 are concerned, they are father-in-law, mother-in-law, married Nanad and brother of the husband of the complainant and his wife and all are living separately at different places and allegation against them are general and of omnibus nature and they are not concerned with the matrimonial affairs of the complainant. So order taking cognizance dated 21.1.2012 and subsequent criminal proceeding with respect to these petitioners only is set aside. The Cr. Misc. No.15329



of 2014 stands allowed.

**(Arun Kumar, J)**

N.H./-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | N/A        |
| Uploading Date    | 21-07-2017 |
| Transmission Date | 21-07-2017 |

