

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28273 of 2014

Arising Out of PS.Case No. -350 Year- 2007 Thana -BHOJPUR COMPLAINT CASE District-
BHOJPUR

=====

1. Shyam Narayan Singh, son of late Ram Lakhan Singh
2. Shila Devi, wife of Shyam Narayan Singh
3. Narendra Singh, son of late Ram Narayan Singh, all resident of village-
Masadh, P.S. Masadh, District- Bhojpur, at present resident of Luby
Circular Road, P.S. -Dhanbad, District-Dhanbad.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party/s

=====

with

Criminal Miscellaneous No.18005 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- BHOJPUR

=====

1. Shyam Narayan Singh son of Late Ram Lakhan Singh
2. Sheela Devi W/o Shyam Narayan Singh
3. Narendra Singh S/o Ram Narayan Singh All R/o village- Masadh, P.S.-
Masadh, District- Bhojpur, At Present resident of Luby Circle Road, P.S.-
Dhanbad, District- Dhanbad, Jharkhand.

.... Petitioners

Versus

1.The State of Bihar
2. Raman Kumar Singh, son of Sri Baleshwar Prasad Singh, resident of
village-Maupur, P.S. Lalganj, District-Vaishali.

.... Opposite Parties

=====

Appearance :

(In Cr.Misc. No.28273 of 2014)

For the Petitioner/s : Mr. Smt. Anuradha Singh

For the Opposite Party/s : Mr. S.D.Singh Yadav(App)

(In Cr.Misc. No.18005 of 2015)

For the Petitioner/s : Mr. Smt. Anuradha Singh

For the Opposite Party/s : Mr. M.Rab (App)

=====

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

4 15-05-2017 Both criminal miscellaneous applications are directed

for quashing the order dated 13.04.2007 passed by learned



S.D.J.M., Vaishali at Hajipur in Tr. No. 762 of 2014, arising out of Complaint Case No. 350 of 2007 whereby and whereunder after finding prima facie case to be made out under sections 498(A) and 406 of the Indian Penal Code and sections 3/4 of the Dowry Prohibition Act, summons were ordered to be issued.

In Cr. Misc. No. 47697 of 2013 the married sister-in-law of the victim is the petitioner whereas in Cr. Misc. No 28273 of 2014 the father-in-law, mother-in-law and one of the cousin brothers of the husband of the victim are the petitioners.

Heard learned counsels for the petitioners, learned A.P.P. for the State and learned counsel for the O.P. No.2.

The complaint case no. 350 of 2007 has been filed by the complainant who is brother of the victim against husband, father-in-law, mother-in-law, sister-in-law and cousin brother-in-law of the victim with general allegation that all the accused persons have tortured and assaulted her for non-fulfillment of demand of Rs. 15 lacs for purchase of a flat in Delhi and further got her treated by a doctor at Kanke, Ranchi in August, 2005 and got her treated by electric shock forcibly and in that way Abha Kumari, sister of the complainant, has been brutally tortured and when the complainant went to convince them, they forcibly took signature of Abha Kumari, sister of the complainant, on a plain



paper. Abha Kumari gave birth to a female child and then torturous act increased and further Sheela Devi, the mother-in-law, has kept all her ornaments and further all the accused persons assaulted her and after boarding on a Bolero vehicle brought her Lalganj Teen Pulwa and got her down from the Boloera with her daughter, resulting, the sister of the complainant is residing with him.

The complainant was examined on solemn affirmation and after examination of enquiry witnesses i.e. victim and Sheoji Singh, the learned S.D.J.M., passed the impugned order.

On behalf of the petitioners it is submitted that it is well settled principle of law that in matrimonial dispute the relatives of the husband of the victim are unnecessarily dragged though they have got no concern so the court should be cautious in passing summoning order. It is submitted that petitioner Vandana Singh has performed inter caste love marriage resulting she is being neglected by her parents and family members. She even has not attended marriage of his brother Jitendra Kumar Singh with Abha Kumari. She was a student of Delhi University where she was studying. She has got no concern with the family affairs of Jitendra Kumar Singh and his wife Abha Kumari. On behalf of the



petitioner Narendra Singh also the same argument has been done by submitting that he is cousin brother of Jitendra Kumar Singh and he has unnecessarily been made an accused. Similar allegation has been made against petitioner Shayam Narayan Singh and Sheela Devi which are also not sufficient to take cognizance against them. ***Reliance has been placed upon 2013 (i) PLJR page 10 SC Geeta Malhotra & Ors. Appellants Versus State of U.P. and others respondents.***

Learned A.P.P. duly assisted by learned counsel for O.P. No.2, on the other hand, submitted that all the accused persons have committed the offence. There is general allegation against all and further there is specific allegation against Shyam Narayan Singh and Sheela Devi that on 16.12. 2006 at about 7:30 P.M. Sheela Devi gave order that unless she brought amount of Rs. 15 lacs keep her out from the house after assaulting her and her daughter and then she was assaulted brutally after closing in a room.

In the facts and circumstances stated above, finding that against Shayam Narayan Singh and Sheela Devi there is specific allegation in the complaint petition as well as in the statement of the complainant on solemn affirmation and also in the statement of enquiry witnesses, Cr. Misc. application on their



behalf appears not tenable and accordingly, the criminal miscellaneous application of Shayam Narayan Singh and Sheela Devi is hereby dismissed.

So far as the petitioners Narendra Singh and Vandana Kumari are concerned, there is no specific allegation against them and further there is no averment in the complaint petition against them and as such, their Cr. Misc. application appears fit to be allowed. Accordingly, impugned order dated 13.04.2007 passed by learned S.D.J.M., Vaishali at Hajipur in Complaint Case No. 350 of 2007, Trial No. 762 of 2014 with respect to Vandana Kumari and Narendra Singh is hereby quashed. Further the said order will remain intact against Shayam Narayan Singh and Sheela Devi.

In the result, Cr. Misc. No. 47697 of 2013 is hereby allowed and Cr. Misc. No. 28273 of 2013 with respect to petitioner Narendra Singh is also hereby allowed but so far petitioners Shayam Narayan Singh and Sheela Devi are concerned, the same is dismissed.

(Jitendra Mohan Sharma, J)

Ravi/-

U		T	
---	--	---	--

