

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40879 of 2014

Arising Out of PS.Case No. -3253 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Pramod Kumar Prabhakar, Son of Ram Murti Ram
 2. Ram Murti Rai @ Ram Murti Ram, Son of Late Mahesh Ram
 3. Sabo Sarswati Devi, Wife of Ram Murti Ram
 4. Ajay Kumar Prabhakar, Son of Ram Murti Ram
 5. Jayanti Devi, Wife of Ajay Kumar Prabhakar
 6. Sanjay Kumar Prabhakar, Son of Ram Murti Ram
 7. Vandana Devi, Wife of Sanjay Kumar Prabhakar

All are resident of village - Godhar Basti, P.O.-Kusunda, P.S.- Dhanbad, District-
Dhanbad, State - Jharkhand

.... Petitioner/s

Versus

1. The State of Bihar
2. Rinki Kumari, Wife of Pramod Kumar Prabhakar, D/o Sri Kranti Kumar,
Resident of Mohalla - Bajidpur, P.S. Barh Distt. - Patna Presently Residing
at Mohalla - Jora Phatak, Surendra Gali, Janki Bhawan, P.O. + P.S. + Distt.
Dhanbad, Jharkhand

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar No.1, Adv.

For the Opposite Party no.1 : Mr. Akbar Ali, APP

For the Opposite Party no.2 : Mr. Anil Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 06-09-2017

Heard learned counsel for the petitioners and learned
counsel representing the complainant-opposite party no.2.



The petitioners, in the present case, are seeking quashing of the order dated 28.08.2014 passed in Cr. Rev. No.398 of 2013 by learned Adhoc Additional District & Sessions Judge-VI, Patna, whereby he has dismissed the revision application and upheld the order taking cognizance and issuance of summons dated 20.05.2013 in Complaint Case No.3253(C)/2012. The cognizance has been taken under Section 498A of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act.

Learned counsel for the petitioners submits that the petitioner no.1 is the husband of the complainant-opposite party no.2. The petitioner nos.2 and 3 are father-in-law and mother-in-law respectively, whereas the petitioner nos.4 and 5 are the Devar and his wife respectively. The petitioner nos.6 and 7 are also Devar and his wife.

Learned counsel for the petitioners submits that, in fact, due to matrimonial discord between the petitioner no.1 and the complainant-opposite party no.2, the whole family has been falsely implicated on the strength of vague and omnibus kind of allegation of demand of dowry.

Learned counsel for the complainant-opposite party no.2 submits that the opposite party no.2 wants to live with her husband, who is petitioner no.1, but the petitioner no.1 is not fulfilling



his matrimonial obligations and because of his negligent attitude towards the complainant-opposite party no.2, she has been suffering from mental agony. He further submits that so far as the family members are concerned, the complainant-opposite party no.2 is not willing to prosecute them and her grievance is with respect to the conduct of her husband.

At this stage, learned counsel for the petitioners submits that so far as the husband (petitioner no.1) is concerned, he is ready and willing to keep the complainant-opposite party no.2 with him at his matrimonial home. The husband is ready to meet the complainant-opposite party no.2 and bring her to matrimonial home. He further submits that the petitioner no.1 shall visit the complainant-opposite party no.2 and bring her to his house within a period of four weeks from today.

In view of the above developments and taking note of the submissions advanced on behalf of the complainant-opposite party no.2 that she has no grievance with respect to the other family members and is not willing to prosecute them, let the order taking cognizance and issuance of summons, as against the petitioner nos.2 to 7, be quashed and is, accordingly, quashed.

So far as the petitioner no.1 is concerned, his prayer is rejected, he will first take his wife to his matrimonial home and thereafter he will have



liberty to apply afresh either in the court below or before this Court,
as the case may be, for an appropriate relief.

The application is allowed to the extent indicated
above.

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	
CAV DATE	
Uploading Date	07.09.2017
Transmission Date	07.09.2017

