

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29581 of 2014

Arising Out of PS.Case No. -359 Year- 2013 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

- =====
1. Sunil Kumar Singh Son of Mangal Singh @ Tufani Singh
 2. Sushil Kumar Singh Son of Mangal Singh @ Tufani Singh
 3. Malti Devi @ Manti Devi Wife of Mangal Singh @ Tufani Singh
 4. Mangal Singh @ Tufani Singh Son of Late Bhagwati Singh
 5. Pramod Singh Son of late Harbansh Singh
 6. Sudarshan Singh Son of Late Jagnath Singh All Resident of Village - Dullahapur,
P.S.- Simari, District - Buxar

.... Petitioners

Versus

1. The State of Bihar
2. Manju Devi, wife of Sunil Kumar Singh and daughter of Ram Ashish Singh,
resident of village- Dullahpur, P.S.- Simari, District- Buxar. At present resident
of village- baradhi Kala, P.S.- Dinara, District- Rohtas.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Vijay Kumar, Advocate
For the State : Mr. C. Jawahar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 04-07-2017

It is submitted by learned counsel for the
petitioners that petitioner no.4 Mangal Singh is dead so he
prays for deleting his name from the petition.

2. In this quashing application, petitioners have
challenged the order taking cognizance dated 29.8.2013
under Section 498(A) of the Indian Penal Code passed by
S.D.J.M., Bikramganj, Rohtas in Complaint Case No.359 of
2013.



3. Learned counsel for the petitioners submits that petitioner nos.5 and 6 are not the family members, they are villagers and friend of Mangal Singh and they too have been made accused in this case and took cognizance against them also though there is no any specific allegation levelled against these petitioners except the husband.

4. Learned counsel appearing on behalf of the complainant-opposite party no.2 submits that there is specific allegation against all and petitioner nos.5 and 6 are cousin father-in-law of the complainant.

5. Having considered rival submission and on perusal of the record, it appears that within a year of the marriage, the complaint was filed by the wife alleging torture in connection with further demand of dowry. However, there is specific allegation against husband, his brother and mother-in-law, petitioner nos.1 to 3 respectively but there is no specific allegation against petitioner nos.5 and 6 and they are cousin father-in-law. Therefore, the cognizance order and subsequent criminal proceeding with respect to Pramod Singh and Sudarshan Singh petitioner nos.5 and 6 respectively is set aside however criminal proceeding with respect to other accused will proceed further



before the trial court.

6. The quashing petition on behalf of accused Mangal Singh petitioner no.4 is dismissed as infructuous.

7. Accordingly, this quashing application stands partly allowed.

(Arun Kumar, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
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