

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52059 of 2014

Arising Out of PS.Case No. -1037 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Baleshwar Mahto @ Bindeshwar Mahto S/O Hiralal Mahto
2. Shila Devi, W/o Sri Baleshwar Mahto @ Bindeshwar Mahto both
resident of Bahari Dhawalpura, P.S.- Bypass, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Manju Devi W/O Chandra Shekhar Prasad @ Chandu Mahto, D/O
Netilal, resident of Gayghat Kali Mandir, P.S. Alamganj, District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Prasad, Advocatge

For the Opposite Party/s : Md. Mushtaq Alam(App)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL ORDER

4 04-12-2017 Learned counsel for the petitioner seeks quashing of the
cognizance order dated 28.01.2014, passed in Complaint Case No.
1037 C/2013 by the court of learned Sub Divisional Judicial
Magistrate, Patna City, thereby cognizance under Sections 498
(A), 323 and 504 of the Indian Penal Code.

2. The brief fact giving rise to the case of/Complainant is
that she was married with Chandra Shekhar in the year, 1994. In
the year, 1995 her husband again married with another lady
namely, Sunita Devi. Prior to that, already three daughters and one
son were born out of their wedlock. It is also alleged that on
21.08.2013 all the accused persons ransacked the room of the



complainant, causing damage of Rs. 20,000/- and Sunita Devi took away briefcase containing five thousand rupees and one golden chain. It is also alleged that all the accused persons used to assault and torture her for realizing one lakh from her parents.

3. Learned counsel appearing on behalf of the petitioners submits that the petitioners are old parents of the husband. The allegation of dowry demand and torture is not specific against them, moreover the allegation is made after a lapse of nineteen years of marriage. The complainant is aggrieved with conduct of her husband as alleged be warmed with another lady. Therefore, she lodged a Complain case against the husband but implicated all family members.

4. Contrary to that, learned counsel appearing on behalf of the State submits that there is specific allegation of making demand for dowry and committing torture to the complainant by the petitioners.

5. Having considered rival submissions, the Court finds that the petitioners are father-in-law and mother-in-law of the complainant and the marriage of the complainant was solemnized twenty years back and four issues were borne out of their wedlock. The allegation of making demand of dowry is not specific against the petitioners rather the allegation is specific



against the husband, who is not the petitioner in this case, so prima-facie no offence is disclosed against petitioners.

6. Hence, the entire criminal proceeding inclusive of cognizance order dated 28.01.2014, pending in the Court of learned Sub Divisional Judicial Magistrate Patna City is hereby quashed only with respect to the two petitioners namely, Baleshwar Mahto @ Bindeshwari Mahto and Shila Devi.

7. The application stands allowed.

(Arun Kumar, J)

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