

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37161 of 2013

Arising Out of PS.Case No. -65 Year- 2010 Thana -JEHANABAD COMPLAINT CASE District -
JEHANABAD

- =====
1. Laljee Ram @ Laljee Prasad S/O Late Mahabir Ram Resident At Maharani Road, Near Bangla Asthan, P.S.-Kotwali, District-Gaya
 2. Smt. Murti Devi W/O Laljee Ram Resident At Maharani Road, Near Bangla Asthan, P.S.-Kotwali, District-Gaya
 3. Sagar Prasad S/O Laljee Ram Resident At Maharani Road, Near Bangla Asthan, P.S.-Kotwali, District-Gaya
 4. Gyani Prasad S/O Laljee Ram Resident At Maharani Road, Near Bangla Asthan, P.S.-Kotwali, District-Gaya
 5. Gautam Prasad S/O Laljee Ram Resident At Maharani Road, Near Bangla Asthan, P.S.-Kotwali, District-Gaya
 6. Getanjalee Devi W/O Gajendra Prasad, D/O Laljee Ram Resident At Maharani Road, Near Bangla Asthan, P.S.-Kotwali, District-Gaya

.... Petitioner/s

Versus

1. The State Of Bihar
2. Mahendra Singh S/O Late Dheerana Singh Residence At Tehata Mela Road, P.O.- Tehata, P.S. Makhdumpur, District Jehanabad

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar
		Mr. Shardanand Mishra
For the Informant	:	Mr. Jharkhandi Upadhyay
For the State	:	Mr. Asalam Ansari (App)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

18 23-01-2018 The petitioners have sought quashing of the order dated 22.09.2010 passed in Complaint Case No. 65/2010, whereby cognizance has been taken against the petitioners under Sections 341, 323, 447, 380, 504 and 34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that during the pendency of the present petition, petitioner no. 6 died and for which a case under Section 302 of the Indian Penal



Code was instituted against opposite party no. 2 and his other family members which is pending adjudication before the competent court.

In the present case, opposite party no. 2, who is father-in-law of late Geetanjali Devi, has alleged that despite Geetanjali Devi staying with one of his sons, viz. Gajendra Prasad as his legally wedded wife, the petitioners managed to take her away from her matrimonial home. There is allegation of theft also in the house of opposite party no. 2.

Learned counsel for the petitioners has drawn the attention of this Court to the fact that much prior to the lodging of the present case, petitioner no. 6, as she then was surviving, had lodged a case under Section 498A of the Indian Penal Code against the opposite party no. 2 and other family members. A settlement had been arrived at between the parties, whereafter late Geetanjali Devi again resumed her matrimonial obligations. After sometime, the relationship again got strained and late Geetanjali Devi had perforce to file another case vide Makhdumpur P.S. Case No. 74/2010. Both the cases referred to above were amalgamated by an order of this Court.

From the allegations levelled in the F.I.R. itself, it would appear that the present case was lodged by the opposite



party no. 2 merely as a defence against the case under Section 498A of the Indian Penal Code, lodged by his daughter-in-law. The opposite party no. 2 and others are facing trial for the offence under Section 302 of the Indian Penal Code for having killed Geetanjali Devi.

For the aforesaid facts, the present prosecution of the petitioners no. 1 to 5 appear to be motivated and lodged for oblique purposes.

The order taking cognizance dated 22.09.2010 is therefore, set aside and the application stands allowed.

This Court has been informed that after the order of cognizance, the proceedings before the court below were stayed by a Bench of this Court and the case never proceeded beyond the stage of cognizance.

(Ashutosh Kumar, J.)

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