

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51463 of 2014

Arising Out of PS.Case No. -344 Year- 2013 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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1. Sharda Nand Jha, S/o Late Awadh Lal Jha
2. Meena Devi, W/o Sharda Nand Jha
Both Resident of village Tiswara, P.S. Sarai Ranjan, District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Annu Devi, W/o Lalan Jha @ Sanjay Jha, D/o Bindu Nath Jha, Resident of Village Tiswara, P.S. Sarairanjan, District Samastipur, at present C/o Bindu Nath Jha (Father), Village Champa, P.S. Arer, District Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rohit Kumar, Advocate.
For the opposite party No.2 : Mr. D.P. Karan, Advocate.
For the State : Mr. J. Upadhyay, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 09-04-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 3.10.2013 passed by learned Judicial Magistrate, 1st Class, Madhubani, in C.R. Case No. 344 of 2013, T.R. No. 4563 of 2013 by which the learned Magistrate after holding enquiry has found *prima facie* case against the petitioners and three other accused persons for the offences under Section 498A, 323 and 504/34 of the Indian Penal Code.

2. The petitioners are father-in-law and mother-in-law of the complainant.

3. It is alleged in the complaint petition that



complainant was married with Lalan Jha @ Sanjay Jha on 2.7.2006. She was tortured in her *Sasural* for demand of dowry. She was blessed with a son on 21.3.2010. It is further alleged that on January, 2013 mother-in-law and *Nanad* of the complainant namely, Kalpana Devi, wanted to poison the child but the complainant threw the milk mixed with poison. It is further alleged that on 15.03.2013 the complaint was assaulted by her husband with iron rod and her mother-in-law with intention to kill the son of the complaint, threw him on the ground. A *Panchayti* was also held and in the said *Panchayti*, petitioner No. 1 has executed 'Ekarnama' but it was not complied with and lastly the complainant was turned out from the house with her child and her belongings were also kept with them.

4. Heard learned counsel for the petitioners and learned counsel for the State.

5. Learned counsel for the petitioners has submitted that family members of husband of the complainant had filed quashing application in this Hon'ble Court vide Cr. Misc. No. 2021 of 2014 and vide order dated 10.10.2011 the criminal proceeding against them was quashed. It has further been submitted that petitioners are living separate from husband of the complainant. In support of aforesaid statement, Xerox copy of mutual partition deed (*Panchnama*) has been enclosed as Annexure-2.



6. Learned counsel for the Opposite Party No. 2 has appeared by filing *Vakalatnama* and his name is also appearing in the cause list, but none appeared today on her behalf at the time of hearing of the petition.

7. Report with regard to current status of the case along with the entire order sheets has been called for, which has been received. From perusal of order sheet it appears that the case is still pending for evidence before charge.

8. From allegation in the complaint petition itself it appears that there is general and omnibus allegation against the petitioners who are parents-in-law of the complainant.

9. In such circumstances, the impugned order dated 3.10.2013 passed by learned Judicial Magistrate, 1st Class, Madhubani, along with the entire Cr. Proceedings against the petitioners in C.R. Case No. 344 of 2013, T.R. No. 4563 of 2013 is hereby quashed.

10. This Criminal Miscellaneous application is accordingly allowed.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	20/04/2018
Transmission Date	20/04/2018

