

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35240 of 2014

Arising Out of PS.Case No. -642 Year- 2013 Thana -PATNA COMPLAINT CASE District -
PATNA

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1. Ramashish Singh S/o Late Mahavir Singh
 2. Amresh Kumar S/o Ramashish Singh
 3. Tapeshwari Devi W/o Ramashish Singh
 4. Gopal Kumar Singh @ Gopal Kumar S/o Ramashish Singh
 5. Sonal Devi @ Sonal Kumari W/o Gopal Kumar Singh All resident of Village - Narahi, P.S. - Dulhin Bazar, District - Patna.
 6. Smt. Samina Kumari @ Samina Kumari @ Samina Kumari W/o Raviranjana Kumar @ Bablu resident of Bichili Gali, Golapar, Danapur, P.S. Danapur, District - Patna.
 7. Chandrabilash Singh S/o Lakhan Mahto
 8. Keshranjana Devi W/o Chandra Bilash Singh
 9. Arti Kumari D/o Chandrabilash Singh 7 to 9 resident of Village - Dhamaul, P.S. - Kurtha, District - Jehanabad.
 10. Ravi Ranjan Kumar @ Bablu S/o Laxman Singh resident of Bichili Gali, Golapar, Danapur, P.S. Danapur, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Chandrakant Chinku S/o Chandrashekhar Singh resident of Village - Koriam, P.S. - Arwal, District - Arwal.

.... Opposite Party/s

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Appearance :

For the Petitioners : Mr. Krishna Pd. Singh, Sr. Advocate.
Mr. Bhaskar Shankar, Advocate.
Mr. Jharkhandi Upadhyaya, Advocate.
Mr. Rakesh Singh, Advocate.
For the State : Md. Aslam Ansari, APP.
For the Opposite Party : Mr. Digvijay Pratap Singh, Advocate.
Mr. Praveen Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date: 16-01-2018

The petitioners have sought quashing of the order dated
14.03.2014 by the learned Judicial Magistrate, First Class, Danapur,
Patna in Complaint Case No. 642(C) of 2013 whereby cognizance has



been taken under Sections 385, 504 and 506 of the Indian Penal Code.

The sum and substance of the allegations against the petitioners is that during the subsistence of the marriage of the petitioner no. 6 with the complainant/opposite party no. 2, another marriage of the petitioner no. 6 was performed and the complainant/opposite party no. 2 has always been threatened of dire consequences.

Though, a detailed story of petitioner no. 6 being enticed away and being subjected to sexual intercourse by an outsider has been alleged in the complaint petition but the background of the case reflects otherwise.

The marriage between the petitioner no. 6 and opposite party no. 2 stood dissolved in the year 2008 by the Principal Judge, Family Court, Jehanabad in Matrimonial Case No. 23 of 2008. The aforesaid decree of dissolution of marriage was never challenged by opposite party no. 2 in any court of law. The case which was filed by the father of opposite party no. 2 against the petitioners as well as the case filed by petitioner no. 6 against opposite party no. 2 have been quashed by a Bench of this Court vide order dated 18.04.2016.

From the records, it appears that the present case is only a fallout of the disturbed matrimonial relationship between the opposite party no. 2 and petitioner no. 6.



Considering the fact that the marriage between the opposite party no. 2 and the petitioner no. 6 stands dissolved, all such allegations levelled in the FIR are rendered meaningless inasmuch as it can clearly be seen that the complaint is only in the nature of spite against the petitioners.

The offences which have been alleged in the complaint petition do not appear to have been made out and the present prosecution, prima facie, appears to be an abuse of the process of the court.

Learned counsel appearing for the opposite party no. 2 has submitted that charges in this case have not yet been framed.

Considering the aforesaid facts, this Court is not inclined to permit the continuance of criminal proceedings against the petitioners any further.

For the aforesaid reasons, the order taking cognizance which has been impugned in the present petition is set aside and the application stands allowed.

(Ashutosh Kumar, J)

KKSINHA/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.01.2018
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