

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37397 of 2014

Arising Out of PS.Case No. -572 Year- 2013 Thana -DANAPUR District- PATNA

- =====
1. Puja Kumari @ Puja Devi, W/o Vivek Kumar, D/o Sri Madan Prasad,
 2. Umesh Kumar, S/o Sri Madan Prasad,
 3. Madan Prasad, S/o - Late Shobhnath Prasad, all resident of village - Kavai,
P.O. - Semari, P.S. - Dawath, District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar,
2. Vivek Kumar, S/o Sri Ajeet Prasad, resident of Gopaljee Roll Mills, Gola Road,
P.O. & P.S. - Danapur, District - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Chaubey, Advocate

For the Opposite Party No.1: Mr. APP

For the Opposite Party No.2: None.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 10-07-2018

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the First Information Report of Danapur P.S. Case No.572 of 2013 instituted under Section(s) 380/34, 498, 120-B Indian Penal Code.

Heard learned counsel for the Petitioners and learned APP for the State.

Vakalatnama has been filed on behalf of the Opposite Party No.2, but none appeared on behalf of the Opposite Party No.2 during hearing of this application.

Counsel for the Petitioners submits that Petitioners are wife, brother-in-law and father-in-law of the Informant/Complainant.



Petitioner No.1 has filed a case against the Informant (husband) for the offence under Section(s) 498-A, 307, 379/34 vide Danapur P.S. Case No.582 of 2013 dated 06.10.2013. Petitioner No.1 has earlier filed complaint case vide Complaint Case No.678 of 2012 against the Complainant and his other family members, which ultimately ended in compromise between Petitioner No.1 and Opposite Party No.2. The Petitioner No.1 went to live with the Complainant (Opposite Party No.2) after entering into compromise, but she was again tortured and ousted from the house. Thereafter, she has filed Danapur P.S. Case No.582 of 2013.

The instant case has been lodged by the Complainant (Opposite Party No.2) after lodging of the case by Petitioner No.1 against the Complainant and others for the offence under Section(s) 498-A, 307, 379/34 Indian Penal Code to harass Petitioner No.1 and her family members. It is totally malicious prosecution.

From the order-sheet, it appears that matter was sent to Patna High Court Mediation & Conciliation Centre. Report of the Mediator is available on record, which shows that Petitioner No.1 always remained present in the mediation, but the Complainant (Opposite Party No.2) never appeared in the mediation.

A report was called for from the Court below about the present stage of the case, which has been received. It appears from the report that the case is still pending for investigation.



This Court after looking into the allegation made in the complaint, which was sent to P.S. under Section 165(3) Cr.P.C. finds that mere vague and omnibus allegation has been levelled against the Petitioners, who are wife, brother-in-law, father-in-law of the Complainant (Opposite Party No.2).

Petitioner No.1 was earlier tortured by the Complainant (Opposite Party No.2) for which she has filed case under Section 498-A as well as other sections of the Indian Penal Code against the Complainant and others vide Complaint Case No.678 of 2012 as well as Danapur P.S. Case No.582 of 2013. This Court is of the view that instant case has been filed by the Complainant (Opposite Party No.2) merely to harass Petitioner No.1 and her family members in retaliation to aforesaid case. The instant criminal case filed by the Complainant is totally malicious prosecution.

In view of such, First Information Report of Danapur P.S. Case No.572 of 2013 instituted under Section(s) 380/34, 498, 120-B Indian Penal Code is hereby quashed.

This application is, accordingly, **allowed**.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	23-07-2018
Transmission Date	23-07-2018

