

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.63750 of 2017**

Arising Out of PS. Case No.-153 Year-2017 Thana- SASARAM NAGAR District- Rohtas

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1. Sheo Pujan Singh son of Late Surajdeo Singh
  2. Shanti Devi @ Shanti Singh, wife of Shri Sheo Pujan Singh
  3. Sarita Kumari @ Sarita Singh D/O Shri Sheo Pujan Singh
  4. Anil Kumar Singh, son of Shri Sheo Pujan Singh

All resident of village-Samahuta, P.S. Sahbajpur, Sub Division-Mohaniya, District- Kaimur at Bhabua, at present residing at Degree College Road, Belli Mukundi, P.S. Obra, District-Sonbhadra, U.P.

... .. Petitioners

Versus

1. Th State of Bihar
2. Mrs. Swadha Rani, W/O Rakesh Kumar Singh D/O Shri Yashwant Singh, at present residing at Mohalla-Civil Lines, At + P.O. Sasaram, P.S. Sasaram( Model), District-Rohtas, Now residing at C.A.D. Center, B1/HRK VDA Flats, Ravindrapuri Extention, Lanka, Varanasi ( U.P.)

... .. Opposite Parties

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**Appearance :**

For the Petitioner/s : Ms. Shashi Bala Verma, Adv.

For the Opposite Party/s : Mr. Rana Randhir Singh, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**

**ORAL ORDER**

2      03-01-2018              Heard Ms. Shashi Bala Verma, learned counsel for the petitioners and Sri Rana Randhir Singh, learned Addl. Public Prosecutor.

Four petitioners, who are members of in-laws of the complainant/Opp.Party no.2, have approached this Court, invoking its inherent jurisdiction under Section 482 of the Code of Criminal Procedure with a prayer to quash an order dated 17.10.2017 passed by the learned Chief Judicial Magistrate, Sasaram in Sasaram (Nagar) Model P.S. Case No.153/2017. By the said order, after submission of chargesheet, the learned Magistrate has taken cognizance of the offence under Sections



498A, 504, 506 of the Indian Penal Code and Sections 3 /4 of the Dowry Prohibition Act.

Learned counsel for the petitioners submits that falsely entire family members have been made accused. She further submits that on perusal of the F.I.R. itself, it is evident that the victim returned back to her parents house and after about three months she lodged the present F.I.R.. Learned counsel for the petitioners tried to persuade the Court that had there been any atrocities or mental agony, the informant could have immediately lodged the F.I.R.. She further submits that the informant has also filed maintenance case.

However, on perusal of the materials available on record, it is evident that after lodging the F.I.R., the police investigated the case and during investigation, the accusation found true against the petitioners and, thereafter, chargesheet was submitted and only after receipt of chargeshet, the learned Magistrate has passed order of cognizance. After perusal of the order impugned, the Court is satisfied that there is no apparent error in the order impugned warranting interference.

The petition stands dismissed.

**(Rakesh Kumar, J)**

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