

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3935 of 2015

Arising Out of PS.Case No. -291 Year- 2011 Thana -VAISHALI District- VAISHALI(HAJIPUR)

Sanjay Kumar, S/o Shankar Pandit, resident of village Mohabatpur, P.S. Ganga Bridge, District Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Khushboo Kumari, W/o Sanjay Kumar and D/o Sita Ram Pandit, Resident of Village Belsar, P.S. Patedhi (Belsar O.P.), District Vaishali.

.... Opposite Party/s

with

Criminal Miscellaneous No. 7392 of 2015

Arising Out of PS.Case No. -291 Year- 2011 Thana -VAISHALI District- -

1. Shankar Pandit, son of late Ram Sundar Pandit
 2. Raj Kumari Devi, wife of Shankar Pandit
- Resident of village Mohabatpur, P.S. Ganga Bridge, Distt. Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar
2. Khushboo Kumari, wife of Sanjay Kumar and daughter of Sita Ram Pandit, resident of villave Belsar, P.S. Patedhi (Belsar O.P.), Distt. Vaishali.

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.3935 of 2015)

For the Petitioner/s : Mr. Mukesh Kumar, Advocate.

For the Opposite Party/s : Mr. Sanjay Kumar Singh, A.P.P.

(In Cr.Misc. No.7392 of 2015)

For the Petitioner/s : Mr. Mukesh Kumar, Advocate.

For the opposite party No.2 : Mr. Satya Prakash Sinha, Adevocate.

For the State : Mr. Jharkhandi Upadhyay, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 06-08-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated



03.07.2013 passed by the learned Chief Judicial Magistrate, Vaishali at Hajipur, in G.R. No. 4852 of 2011 (Trial No. 3482 of 2014) arising out of Vaishali (Belsar O.P.) P.S. Case No. 291 of 2011 by which the learned Magistrate took cognizance against the petitioners and other accused persons for the offences under Section 498(A) of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

2. Heard learned counsel for the petitioners, learned counsel for the opposite party No. 2 and learned counsel for the State.

3. From the allegation in the complaint petition it appears that informant was married with Sanjay Kumar, petitioner of Cr. Misc. 3935 of 2015 on 12.03.2007. She was tortured in her *sasural* by Sanjay Kumar and his family members. The petitioner of Cr. Misc. 3935 of 2015 is husband and petitioners of Cr. Misc. 7392 of 2015 are parents-in-law of Khushbu Kumari (informant). It is alleged that she was subjected to cruelty in various ways for non-fulfillment of demand of dowry. She was sent with her father to maternal home. Panchayti was held and on pressure of Panchayti, the informant came back to her *sasural*, but behaviour of her in-laws and husband did not change. Ultimately, she was ousted from her matrimonial home by force. The accused persons also attempted to kill the informant by pouring k.oil on her person. The accused persons



finally refused to keep the informant.

4. The police after investigation submitted charge sheet against all the accused persons and cognizance has been taken by the learned Magistrate.

5. Learned counsel for the petitioners submits that informant (opposite party No. 2) herself has filed Informatory Petition No. 90 of 2010 before the learned Chief Judicial Magistrate, Vaishali at Hajipur, stating therein that she is in love with another person but her parents performed her marriage forcefully with Sanjay Kumar (petitioner of Cr. Misc. 7392 of 2015).

6. Learned counsel for the opposite party No. 2 has submitted that Informatory petition filed before the learned Chief Judicial Magistrate, Vaishali at Hajipur, is fabricated document. He denied the genuineness of the aforesaid petition.

7. This Court after looking into the written report finds that there is specific allegation of overt act against all the petitioners.

8. Therefore, this Court is not inclined to interfere with the impugned order.

9. This Criminal Miscellaneous application is accordingly dismissed.



10. The court below will proceed with the case in accordance with law. The petitioner however would be at liberty to raise all the points as raised in the petition at the time of framing of charge which will be considered by the court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	14/08/2018
Transmission Date	14/08/2018

