

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1358 of 2016

Arising Out of PS.Case No. -331 Year- 2011 Thana -BIHPUR District- BHAGALPUR

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1. Pawan Ram, Son of Asharfi Ram
 2. Ramashis Ram, son of Asharfi Ram
 3. Subhash Ram, son of Asharfi Ram
 4. Asharfi Ram, son of Late Sarjug Ram
 5. Priyanka Devi @ Pinki Devi, wife of Paswan Ram
 6. Sita Devi, wife of Asharfi Ram
 7. Indu Devi wife of Ramashis Ram
- All residents of village Tilaknagar, P.S. Alauli, District - Khagaria.
8. Nirmala Devi, wife of Dilip Ram, resident of village - Koila, P.S. Pasraha, District - Khagaria.
 9. Sona Devi, Wife of Shyamdeo Ram, resident of village - Aamashi, P.S. Alauli, District - Khagaria.
 10. Bindu Kumari, daughter of Asharfi Ram, resident of village Tilaknagar, p.s. Alauli, District - Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Gudia Devi, Co Manish Kumar Arya @ Manager Das, resident of Village Jamalpur, Harijan Tola Nagar Panchayan Gogri Jamalpur, Ward No. 19, P.S. Gogri, Distt. Khagaria.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. A. Dayal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 07-09-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 20.06.2014 passed by Additional Chief Judicial Magistrate, Naugachia, in Bihpur P.S. Case No. 331 of 2011, G.R. No. 1161 of 2011 by which the learned Magistrate took cognizance against the petitioners for the offences under Section 498A of the Indian Penal



Code.

2. As per complaint petition, the complainant was married with petitioner No. 1 in the year 2006 according to Hindu rites and customs. After marriage she was tortured in her *sasural* due to non-fulfillment of demand of dowry. She was blessed with a male child who is four years old. It is alleged that she was ousted from the matrimonial home on account of non-fulfillment of demand of dowry.

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

4. Notice issued to the opposite party No. 2 was validly served but she did not appear.

5. Counsel for the petitioners has submitted that complainant has performed another marriage. She is not willing to live with petitioner No. 1.

6. This Court after looking into complaint petition finds that there is specific allegation against petitioner Nos. 1, 4 and 6 who are husband, father-in-law and mother-in-law of the informant. Therefore, this Court is not inclined to interfere with the impugned order with regard to petitioner Nos. 1, 4 and 6.

7. So far as allegation against petitioner Nos. 2, 3, 5, 7, 8, 9 and 10 are concerned, they are family members of the husband of the informant and there is general and omnibus allegation against



them. From the complaint petition itself it appears that they have no concern with the affairs between the complainant and her husband (petitioner No. 1).

8. Therefore, the impugned order dated 20.06.2014 passed by learned Additional Chief Judicial Magistrate, Naugachia, in Bihpur P.S. Case No. 331 of 2011, G.R. No. 1161 of 2011 along with entire Criminal Proceeding with regard to petitioner Nos. 2, 3, 5, 7, 8, 9 and 10 is hereby quashed.

9. So far impugned order dated 20.06.2014 with regard to petitioner Nos. 1, 4 and 6 who are husband and parents-in-law of the informant is concerned, this Court does not find any illegality in the impugned order. The court below will proceed in the case against petitioner Nos. 1, 4 and 6 in accordance with law.

10. This Criminal Miscellaneous application is accordingly allowed in part.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	15/09/2018
Transmission Date	15/09/2018

