

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15742 of 2015

Arising Out of PS. Case No.-1141 Year-2013 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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1. Jagdish Raut @ Jagdish Rai Son of Late Khobhari Raut
 2. Sushila Devi wife of Jagdish Raut
 3. Shailendra Kumar @ Navi Kumar son of Jagdish Raut All are permanent residents of village + P.O. Dhankaul, Ps - Piprathi, District - Shivhar, presently residing at P.G. 5 B.R.A. B.U. Campus , Ps. University, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Shima Kumari Wife of Shailendra Kumar @ Navi Kumar presently residing at H/o Hari Nand Rai r/o village Chadhua, ps Kudhani, District - Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Manoj, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad (APP)

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 28-03-2018

Shri Manoj Kumar Manoj, learned Counsel, appears for the applicant and Shri Nagendra Prasad, learned A.P.P. appears for the State. None appears for the complainant, respondent No.2, in spite of service of notice.

Seeking quashing of a cognizance order dated 21.9.2013, passed by the S.D.J.M. (East) Muzaffarpur and the entire complaint of Complaint Case No.1141 of 2013, Trial No.2002 of 2014 registering complaint for the offence under Sections 498A and 504/34 of I.P.C., read with Section 4 of the



Dowry Prohibition Act, this application has been filed under Section 482 of Cr.P.C.

Having heard learned counsel for the parties, and on perusal of the complaint filed by the respondent wife, it is seen that the only allegation is with regard to demand of dowry and a Motorcycle by applicant No.1 Jagdish Raut @ Jagdish Rai, the father-in-law, and applicant No.3 Shailendra Kumar @ Navi Kumar, the husband. In the entire body of the complaint, there is not a single whisper or allegation made with regard to any demand made by applicant No.2 Smt. Sushila devi, the mother-in-law. The complaint is primarily against applicant No.1, the father-in-law, and applicant No.3, the husband. In the complaint, in the absence of there being specific allegations constituting an offence under Section 498A or 504 of I.P.C. against applicant No.2 Smt. Sushila Devi, cognizance taken against her in the matter is not sustainable.

Being satisfied that in the entire complaint there is no allegation made against applicant No.2, this petition is allowed in part. The petition of applicant No.2 Smt. Sushila Devi is allowed. The order dated 21.9.2013 and criminal complaint case and trial initiated against her is quashed.

As far as applicant Nos.1 and 3 are concerned, there being allegations against them in the body of the complaint, it is



not a fit case to interfere into the matter at their instance exercising extraordinary jurisdiction under Section 482 of Cr.P.C.

They are at liberty to raise all objections, as are permissible under law, before the trial court and seek discharge.

With the aforesaid liberty to applicant Nos.1 and 3, the application stands disposed of.

(Rajendra Menon, CJ)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	04.04.2018
Transmission Date	

