

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37355 of 2015

Arising Out of PS.Case No. -667 Year- 2014 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

- =====
1. SATYENDRA KUMAR @ SATYENDRA, son of Bed Narain Mahto,
 2. Lalita Devi, wife of Satyendra Kumar, both resident of village- Marsua, P.S.-
Nalanda, District- Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. Sulekha Kumari, wife of Manoj Kumar, resident of village- Marsua, P.S.-
Nalanda, District Nalanda, at present D/O Surendra Prasad, resident of village-
Kurthiya, P.S. Chandi, District Nalanda

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lovekush Kumar, Advocate
For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 26-06-2018

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 01.05.2015 passed by the Sub-Divisional Judicial Magistrate, Hilsa, in Complaint Case No.667-C of 2014 (Tr. No.726 of 2015) by which the learned Magistrate after holding enquiry has found prima facie case against the petitioners and co-accused, Manoj Kumar, for the offence under Section(s) 498-A Indian Penal Code.

Counsel for the petitioners has submitted that petitioners are father-in-law and mother-in-law of the Complainant.

Notice was issued to the Opposite Party No.2, who has



appeared through Vakalatnama, but none has appeared at the time of hearing of this application.

Counsel for the petitioners has submitted that after filing of the instant case Complainant has also filed Maintenance Case vide Maintenance Case No.91-M of 2015 in the Family Court, Nalanda, in which notice was issued to the husband, Manoj Kumar, who has already appeared in the Court.

Counsel for the petitioners has further submitted that from bare perusal of the entire allegation in the complaint no offence whatsoever is made out against the petitioners. They are the old persons and unnecessary implicated in this case, which will amount to harassment to them.

This Court after looking into the allegation in the Complaint Petition finds that there is no allegation of specific overt act against them. They are the father-in-law and mother-in-law of the victim. Nowadays, there is growing tendency to implicate all the family members of husband in matrimonial dispute although other family members have no concern with the affairs between husband and wife.

It is mentioned in the Complaint Petition that petitioner No.1 is 66 years old and petitioner No.2 is 60 years old.

In view of such, impugned order dated 01.05.2015



passed by the Sub-Divisional Judicial Magistrate, Hilsa, in Complaint Case No.667-C of 2014 (Tr. No.726 of 2015) along with entire criminal proceeding against the petitioners is hereby quashed.

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

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	03-07-2018
Transmission Date	03-07-2018

