

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5538 of 2016

Arising Out of PS.Case No. -67 Year- 2014 Thana -NAWADA MUFFASIL District- NAWADA

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1. Ranjan Kumar Singh @ Ranjan Kumar Son of Ram Balak Singh
 2. Rambalak Singh Son of Late Alakhdeo Singh
 3. Girija Devi Wife of Rambalak Singh
 4. Rakesh Singh @ Rakesh Kumar Son of Rambalak Singh
 5. Rajesh Singh @ Rajesh Kumar Son of Rambalak Singh
 6. Rajiv Singh @ Rajiv Kumar Son of Rambalak Singh All resident of village - Pakariya, P.S. Muffasil, in the district of Nawada

.... Petitioner/s

Versus

1. The State of Bihar
2. Archana Kumari Daughter of Kamta Singh Resident of village - Dariyapur, P.S. Rajauli, District - Nawada

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Nagendra Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

6 27-09-2018

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor along with learned counsel for the O.P. No.2.

After going through the pleadings, the allegation, the present litigation is nothing but a misfortune. The bud was nipped. The marital life which was yet to bloom was perished. There happens to be an explanation at the end of petitioners that the girl was impersonated during course of marriage and in the aforesaid background, though marriage was solemnized under the garb of fear and coercion and in likewise manner, Vidai was also effected, on the following day the Naiharwala came, tried to resolve the dispute and having failed on that very score, took away the bride along with belonging and then thereafter, lodged this case putting false and frivolous



allegation. So, virtually the averments whatever been in the written report having at the end of the victim is found duly corroborated. It has been submitted at the end of the learned counsel for the petitioners that during course of investigation, Investigating Officer had gathered information that all the articles which were gifted at the time of marriage were taken away by the prosecution parties. All this things happens to be the matter of trial. The view having expressed at the end of Hon'ble Apex Court in **B.S. Joshi & Ors. vs. State of Haryana & Anr.** reported in **(2003) 4 SCC 675** has been reiterated recently by the three judges bench decision in **Social Action Forum for Manav Adhikar vs. Union of India Ministry of Law and Justice and Others**, Writ Petition (Civil) No.73 of 2015 with Criminal Appeal No.1265 of 2017, Writ Petition (Criminal) No.156 of 2017 and for better reference, paragraph 4 is incorporated:-

“There is no doubt that the object of introducing Chapter XX-A containing Section 498A in the Indian Penal Code was to prevent the torture to a woman by her husband or by relatives of her husband. Section 498A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. The hyper-technical view would be counter productive and would act against interests of women and against the object for which this provisions was added. There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from setting earlier. That is not the object of Chapter XXA of the Indian Penal Code.”



Considering the materials, as well as after having patient hearing of the learned respective counsels along with learned Additional Public Prosecutor, I do not see any cogent reason to interfere with the order impugned consequent thereupon, instant petition lacks merit and is accordingly rejected. The stay so granted vide order dated 29.09.2016 is hereby vacated.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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