

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4902 of 2016

Arising Out of PS.Case No. -4 Year- 2013 Thana -RAJIVNAGAR District- PATNA

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1. Jayanand Tiwari, S/o Late Vishudhanand Tiwari
 2. Abhayanand Tiwari, S/o Sri Jayanand Tiwari
 3. Prabhakant Tiwari @ Prabhanand Tiwari, S/o Sri Jayanand Tiwari
 4. Anuradha Devi @ Anuradha Kumari, D/o Sri Jayanand Tiwari,
 5. Anjani Devi @ Anjani Kumari, D/o Sri Jayanand Tiwari, W/o Survendra Pathak,
 6. Survendra Pathak @ Survendra Kumar Pathak, S/o Sri Paras Nath Pathak
All R/o Rajiv Nagar, Road No.-6, P.S.- Rajiv Nagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Sangeeta Devi @ Baby, D/o Late Badarinath Tiwari, W/o Abhayanand Tiwari, R/o Rajiv Nagar, Road No.-6, P.S.- Rajiv Nagar, District- Patna.
3. Akhilesh Tiwari, S/o Late Badarinath Tiwari, R/o Village- Parauli, P.S.- Raniyan Talab, Distt- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh, Advocate.

For the State : Mr. Murlidhar, A.P.P.

For the opposite party No. 2 : Mr. Ashok Kr. Singh, Advocate.

Mr. Hemant Kr. Srivastava, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 18-09-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 05.07.2013 passed by learned Judicial Magistrate, Patna, in connection with Rajiv Nagar P.S. Case No. 4 of 2013 by which the learned Magistrate took cognizance against the petitioners and other accused person for the offences under Sections 341, 323, 379, 498(A), 504/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.



2. It is alleged in the written report that informant (opposite party No.3) learnt that his sister namely Sangeeta Devi @ Baby (opposite party No.2) was assaulted and tortured by accused persons in various ways for non-fulfillment of demand of Maruti Swift Car. On receiving information, the informant along with his sister-in-law (*Bhawah*) went to the *sasural* of sister of the informant. The accused persons assaulted sister-in-law (*Bhawah*) of the informant after closing the room, on account of which, she has sustained grievous injury. It is further alleged that all the accused persons named in the First Information Report snatched golden chain, ear-ring and Rs.510/- from sister-in-law of the informant. The accused persons also took out Rs.11,500/- from the purse of the informant.

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

4. Counsel for the opposite party No. 2 submits that wife (opposite Party No. 2) along with her two children is living happily with her husband (petitioner No. 2). The good conjugal relationship has been restored between wife and husband.

5. Counsel for the petitioners submits that petitioner No. 2 is husband of the complainant. The other petitioners are family members of husband of opposite party No. 2.

6. The court below by the impugned order has taken



cognizance against the petitioners for the offence under Sections 323, 341, 379, 498(A), 504 of Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

7. This Court on the basis of submission made by parties find that good conjugal relationship between husband and wife has been restored. The wife (opposite party No.2) is living happily with her husband along with children. Therefore, the continuance of criminal proceeding against family members as well as the husband will only amount to harassment to them and cause hindrance in continuation of good relationship between the parties.

8. Therefore, impugned order dated 05.07.2013 passed by learned Judicial Magistrate, Patna, along with entire Criminal proceeding, in connection with Rajiv Nagar P.S. Case No. 4 of 2013 with regard to petitioners is hereby quashed.

9. This Criminal Miscellaneous application is accordingly allowed.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	AFR
CAV DATE	N.A.
Uploading Date	24/09/2018
Transmission Date	24/09/2018

