

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14331 of 2014

Arising Out of PS. Case No.-310 Year-2009 Thana- BUXAR COMPLAINT CASE District-
Buxar

-
1. Ram Narayan Pandey, S/O late Bir Pandey @ Balbir Pandey,
 2. Sanjeet Kumar Pandey @ Sanjeet Pandey, S/O Ram Narayan Pandey,
 3. Jag Narayan Pandey, S/o late Parma Pandey,
 4. Meera Devi, wife of Harendra Pandey, All residents of village-Simri, Chotka Khaira Patti, P.S.- Simri, District- Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Mahendra Pandey, S/O Late Mukhram Pandey, Resident Of Village-Pokhaha, P.S.- Bagain Gola, District- Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh
For the Opposite Party/s : Mr. MANOJ KUMAR (APP)

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
C.A.V. JUDGMENT

Date : 28-02-2018

Heard learned counsels for the parties. Petitioners, by means of this application under section 482 of the Code of Criminal Procedure, have invoked the inherent jurisdiction of this Court with prayer to quash the order dated 23.01.2014 passed by the Sub Divisional Judicial Magistrate, Buxar in C Trial No. 952 of 2013 arising out of Complaint Case No. 310 C of 2009, whereby and whereunder petition dated 03.09.2013 for discharge filed under section 245 Cr.P.C. on behalf of the petitioners has been rejected in which charge is going to be framed against the petitioners under sections 323 and 498A of



the Indian Penal Code and section 3/4 of the Dowry Prohibition Act.

Learned counsel appearing for the petitioners submits that no offence against these petitioners is disclosed and the present prosecution has been initiated with mala fide intention for the purposes of harassment. Learned counsel further submits that the marriage in question was solemnized on 19.04.2000 and on that very day demand of dowry was made. Now in the year 2009, the present complaint has been filed alleging demand of dowry from the date of marriage. Learned counsel submits that it is quite surprising that after nine years of marriage, it is being alleged that dowry is being demanded from the date of marriage. If there was demand of dowry from the date of marriage, the victim or the complainant should have raised such issue earlier. As a matter of fact, no such demand was ever made and the present complaint has been filed only to pressurize these petitioners to fulfill the illegal demands of the victim.

Besides the above, learned counsel submits that there is no explanation of unreasonable delay of about 9 years in making the complaint of such nature. In this regard, learned counsel referred to Sections 468 and 469 of the Code of Criminal Procedure which are on the point of limitation.



In the background of the aforesaid submissions, learned counsel submits that the order by which discharge petition, filed by the petitioners, has been rejected, is fit to be quashed.

Having considered the materials available on record, the submissions advanced on behalf of the parties and the facts and circumstances of the case, this Court finds that the submissions of the learned counsel for the petitioner has substance. There is apparent delay in filing the complaint without there being any explanation.

In view of the above discussions, this Court is of the opinion that continuance of the present prosecution will amount to abuse of the process of the Court. Accordingly, the order dated 23.01.2014 passed by the Sub Divisional Judicial Magistrate, Buxar in C Trial No. 952 of 2013 arising out of Complaint Case No. 310 C of 2009 is, hereby quashed.

The application, thus, stands allowed.

(Arvind Srivastava, J)

mcv/-

AFR/NAFR	NAFR
CAV DATE	09-10-2017
Uploading Date	28.02.2018
Transmission Date	28.02.2018

