

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3396 of 2016

Arising Out of PS.Case No. -218 Year- 2015 Thana -COMPLAINT CASE District- LAKHISARAI

1. Usha Rani W/o Raj Kishore Pd. Singh R/o Mohalla- Baripokhar, Near Chitra Gupta Temple, Ward No- 36, Begusarai, PS- Begusarai, Dist- Begusarai.

2. Raj Kishore Pd. Singh S/o Late Chandra Mani Prasad Singh, R/o Mohalla- Baripokhar, Near Chitra Gupta Temple, Ward No- 36, Begusarai, PS- Begusarai, Dist- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

2. Shweta Kumari, D/o Late Sunil Kumar W/o Samarjeet Singh at present residing at Village- Indupur, P.S.- Barahiya, Dist- Lakhisarai.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajkumar Rajesh

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

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 17-09-2018

Heard the learned counsel for the petitioners, O.P. No.

2 as well as the State.

The present application has been filed for quashing of order dated 01.08.2015 passed by learned S.D.J.M., Lakhisarai in connection with Complaint Case No. 218C/2015, whereby the court below has found *prima facie* case for offences under Sections 498A of the Indian Penal Code and Sections 34 of Dowry Prohibition Act.

Learned counsel for the petitioners has submitted that petitioners are mother-in-law and father-in-law of the complainant.

In the complaint petition, it is alleged that complainant was married with Samarjeet Singh in the year 2010. After marriage, she went to her matrimonial home. Her husband started torturing her.



It is further alleged that accused persons made demand of Rs. 15 lacs or car and started torturing her for the same. It is also alleged that in April, 2014, the complainant was ousted from her matrimonial home and accused persons did not give any maintenance to the complainant, although they have sufficient means. It is further alleged that accused Samarjeet Singh came to her parental house and asked her to sign on divorce petition. On refusal, she was assaulted by accused Samarjeet Singh. He also abused her grandfather. Thereafter, the instant case has been lodged.

Learned counsel for O.P. No. 2 has submitted that matter has been settled between the husband and wife. Petitioners are mother-in-law and father-in-law of the complainant.

From the complaint petition itself, it appears that there is no allegation of specific overt act against these petitioners. There is general and omnibus allegation against them.

In view of such, the impugned order dated 01.08.2015 passed by learned S.D.J.M., Lakhisarai along with entire criminal proceeding against the petitioners are hereby quashed.

This Criminal Miscellaneous is, accordingly, allowed.

(Sanjay Priya, J.)

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