

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47692 of 2014

Arising Out of PS.Case No. -556 Year- 1998 Thana -SARAN COMPLAINT CASE District-
SARAN

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1. Kailash Prasad Gupta S/o Late Jhunnilal Shah
2. Kalavati devi W/o Kailash Prasad Gupta Both 1 and 2 resident of village-
Rasauli, P.S.- Panapur, District- Saran, Chapra
3. Sarita Devi W/o Ram Kumar Resident of P.O. Jaithar, P.S. Taraiya, District-
Saran Chapra
4. Malti Kumari W/o Baliram Resident of P.O. Taraiya, P.s.- Taraiya, District-
Saran Chapra

.... Petitioner/s

Versus

1. The State of Bihar
2. Ram Deo Shah S/o Late Devanndan Shah R/o village- Wajidpur, P.S.- Garkha,
District- Saran, earlier residing at Railway Colony, Chapra Kachhari, Chapra Rail
Thana, District- Saran.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Jay Vardhan Narayan, Advocate.
For the State : Smt. Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 16-07-2018

Heard learned counsel for the petitioners and the State. None
appeared on behalf of opposite party No. 2 although notice has been
personally received by opposite party No. 2.

This application has been filed for quashing the order dated 13-
07-1998 passed by learned Judicial Magistrate-Ist Class, Saran at Chapra in
Complaint Case No. 556 of 1998, by which, the learned Magistrate after
holding inquiry u/S 202 Cr.P.C. has found prima facie against the
petitioners for the offence under Sections-323, 379, 498A of the IPC and ¼
of Dowry Prohibition Act.

Learned counsel for the petitioners submits that these



petitioners are father-in-law, mother-in-law and married Nanad of the daughter of the complainant. There is general and omnibus allegation levelled against these petitioners. It is further submitted that marriage of the complainant with her husband has already been dissolved by judgment dated 25-01-2001 passed in Divorce Suit No. 44 of 1998/01 of 1998. Copy of the aforesaid judgment has been enclosed as Annexure-3 to this petition. The report regarding current stage of the case was called for, which has been received. It is mentioned in the report that the case is at present pending for appearance of the accused persons.

This court from the complaint petition finds that there is general and omnibus allegation against these petitioners.

Therefore, the impugned order dated 13-07-1998 passed by learned Judicial Magistrate-Ist Class, Saran at Chapra in Complaint Case No. 556 of 1998 along with entire criminal proceeding against these petitioners is quashed.

This Cr. Misc. Application is accordingly, ***allowed.***

(Sanjay Priya, J)

A.K.V./-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	19-07-2018
Transmission Date	19-07-2018

