

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27065 of 2016

Arising Out of PS.Case No. -294 Year- 2014 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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1. Ved Prakash Singh Yadav, son of Putu Singh Yadav
2. Satyadeo Singh Yadav, son of Putu Singh Yadav
3. Nanhe Singh Yadav, son of Putu Singh Yadav
4. Angara Devi @ Anjana Devi, wife of Nanhe Singh Yadav
5. Kali Devi, wife of Satyadeo Singh Yadav

All are residents of village - Milawa, P.S. Puwayan, District - Sahjahanpur, Uttar Pradesh.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Manju Devi, wife of Ranveer Singh Yadav, village - Milawa, P.S. - Puwayan, District - Sahjahanpur, Uttar Pradesh, presently resides at the house of her father namely Jagdish Das Kanaujiya, Village - Damodarpur, P.S. - Sarai, District - Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan, Advocate.
Mrs. Bela Singh, Advocate.
For the opposite party No. 2: Mr. Ramesh Kumar Choudhary, Advocate
For the State : Mr. B.N. Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 05-09-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 13.11.2014 passed by learned Sub Divisional Judicial Magistrate, Vaishali, in Trial No. 4246 of 2015 arising out of Complaint Case No. 294 of 2014, by which the learned Magistrate after holding enquiry has found *prima facie* case against the petitioners along with three other accused persons for the offence under Section 498A of the



Indian Penal Code and Section 4 of Dowry Prohibition Act.

2. In the complaint petition it is alleged that complainant was married with Ranveer Singh Yadav about four years ago according to Hindu rites and customs. After marriage she went to her *sasural* and gave birth to a son. Her husband lives in Delhi and works in Private Company. She lived in her sasural with the petitioners and other accused persons. The petitioners with other accused persons started torturing her and also threatened that she would not get her share in the paternal property of her husband. They also made demand of dowry and told that if she wants to live in her sasural she has to fulfill the demand of dowry. It is further alleged that on non-fulfillment of demand of dowry, she was forcibly ousted from the house.

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

4. Counsel for the petitioners submits that petitioner Nos. 1, 2 and 3 are cousin-brother-in-law (*Chachera Dewar*) and petitioner Nos. 4 and 5 are *Chacheri Gotani* of the complainant. They have no concern with the affairs of the complainant's family in the alleged occurrence. Counsel for the petitioners further submits that from complaint petition it appears that there is property dispute between husband of the complainant and his family members.



5. The instant case has been filed making the petitioners accused on account of aforesaid family dispute.

6. From the complaint petition it appears that complainant has made allegation of demand of dowry and torture against distant relation of her husband but not made accused either her husband or parents-in-law or any of his family members.

7. Counsel for the opposite party No. 2 has appeared and submitted that complainant was not allowed to live in the house. The husband of the complainant lives in Delhi and works in a private company. Petitioners are not allowing her to live in the *sasural* in absence of her husband. The complainant is living in her *Maikey*.

8. The Solemn Affirmation of the complainant is available in the complaint petition. Xerox copy of the deposition of father of the complainant is also on record.

9. This Court after looking into allegation in the complaint petition as well as Solemn Affirmation of the complainant and statement of father of the complainant, who has been examined during enquiry, finds that no allegation of any specific overt act is made against the petitioners. The petitioners are distant relation of the husband of complainant.

10. Therefore, the impugned order dated 13.11.2014 passed by learned Sub Divisional Judicial Magistrate, Vaishali, in



Trial No. 4246 of 2015 arising out of Complaint Case No. 294 of 2014 along with the entire criminal proceeding against the petitioners is hereby quashed.

11. This Criminal Miscellaneous application is accordingly allowed.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	AFR
CAV DATE	N.A.
Uploading Date	07/09/2018
Transmission Date	0709/2018

