

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44200 of 2017

Arising Out of PS.Case No. -1932 Year- 2015 Thana -DARBHANGA COMPLAINT CASE
District- DARBHANGA

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Meena Devi, W/o Sri Jitendra Singh, R/o Village- Pihwara, P.S.- Saharghat,
District- Madhubani.

.... Petitioner

Versus

1. The State of Bihar.
2. Puja Singh W/o Anish Kumar Singh, D/o Mahamaya Prasad Singh, R/o Mohalla-
Kaidrabad, P.S.- Lalit Narayan Mithila University, District- Darbhanga.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar, Advocate
For the Opposite Party/s : Ms. Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date: 13-04-2018

Heard learned counsel for the petitioner and learned
counsel for the State.

2. This application under Section 482 of the Code of Criminal Procedure (for short 'Cr. P.C.') has been filed by the petitioner for quashing the order dated 03.07.2017 passed by the learned Sub Divisional Judicial Magistrate, Darbhanga in connection with Complaint Case (C.R.) No.1932 of 2015 corresponding to T.R. No.2898 of 2017 whereby the application of the petitioner for being discharged from being prosecuted for the offence under Section 498A of the Indian Penal Code has been rejected.

3. It is submitted by the learned counsel for the



petitioner that name of the petitioner has been added in the list of accused with a view to implicate all the in-laws. Though, she has been named as an accused in a general and casual manner, nothing specific has been alleged against her and there is no evidence to the effect that she ever subjected the victim to cruelty at any point of time after she was married to her son. In this regard, he has placed reliance on the decision of the Supreme Court in **Neelu Chopra and Anr. vs. Bharti [(2009) 10 SCC 184]**.

4. On the other hand, learned counsel appearing for the State submitted that in the complaint as also in the statement of the complainant made on oath and in the statement of witnesses recorded in course of inquiry and in course of evidence before charge, specific allegations have been made against the petitioner that she used to oftenly beat the complainant. He submitted that such an allegation would definitely constitute an offence punishable under Section 498A of the Indian Penal Code and, hence, the court below has rightly rejected the case of the petitioner.

5. I have heard learned counsel for the parties and perused the record.

6. Section 245 of the Cr. P.C. prescribes that if, upon taking all the evidence referred to in section 244, the Magistrate considers, for reasons to be recorded, that no case against the accused has been made out which, if unrebutted, would



warrant his conviction, the Magistrate shall discharge him.

7. From the deposition of witnesses recorded in course of inquiry as also before charge, which have been brought on record by the petitioner in the present application, I find that specific allegations have been levelled against the petitioner of subjecting the victim to cruelty. The victim has also specifically alleged that the petitioner also used to frequently beat her.

8. Under such circumstances, it cannot be said that from the materials on record, if unrebutted, no case would be made out against the petitioner.

9. The facts of the present case are not identical to that of the case of **Neelu Chopra (supra)** and, in that view of the matter, the ratio laid down by the Supreme Court in that case would not applicable in the present case.

10. In that view of the matter, I see no merit in this application. It is dismissed, accordingly.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
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