

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40471 of 2013

Arising Out of PS.Case No. -174 Year- 2012 Thana -DANAPUR District- PATNA

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1. Mira Devi, wife of Akhilesh Singh, r/o Tikaitpur, P.O.-Neura, P.S.-Bihta, Distt-Patna.
 2. Mamta Devi, wife of Sunil Kumar Singh, r/o village-Reva, P.O.-Sarai, P.S.-Maner, Distt-Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ritu Singh, wife of Ganesh Lal and D/o Arjun Singh, R/O At Panchshil Nagar, Gandhi Lane, Danapur Takiapar, P.S.-Danapur, Distt-Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tuhin Shankar, Advocate.
Mr. Gopal Kumar, Advocate.

For the opposite party No.2 : None

For the State : Dr. Rabindra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 28-06-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 18.04.2013 passed by the learned Sub Divisional Judicial Magistrate, Danapur, in Danapur P.S. Case No. 174 of 2012 (G.R. No. 1083 of 2012) by which charges were framed against the petitioners and other accused persons under Sections 323, 494, 120(B), 498A, 504/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

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

3. Notice issued to the opposite party No. 2 was



validly served and his name is also appearing in the cause list, but no one appears on behalf of the opposite party No. 2.

4. Learned counsel for the petitioners has submitted that petitioner Nos. 1 and 2 are sisters-in-law of the informant. The petitioner No. 1 is younger sister of husband of the informant who was married with Akhilesh Singh on 26.05.2003. They have three children from the marriage. Petitioner No. 2 is younger sister of the informant's husband and was married with Sunil Kumar Singh on 20.04.2000. They have one son from the marriage. It has further been submitted that petitioner Nos. 1 and 2 are living separate with their husband and children. They are separate unit and have no concern with the informant or her husband.

5. In the written report it is alleged that marriage of the informant was performed with Ganesh Lal on 07.05.2007. Thereafter, she was tortured in *Sasural* by her husband for demand of dowry. There is general and omnibus allegation against the petitioners.

6. From the statement made in paragraph-8 of the bail petition it appears that petitioners are sisters-in-law (Nanad) of the informant who are already married prior to the marriage of the informant. The petitioner No. 1 is the younger sister-in-law of the informant. She was married in the year 2003. The petitioner No. 2 was



got married on 20.04.2000.

7. In such circumstances, continuance of criminal proceeding against the petitioners will be abuse of the process of the Court.

8. Therefore, the impugned order dated 18.04.2013 passed by the learned Sub Divisional Judicial Magistrate, Danapur, in Danapur P.S. Case No. 174 of 2012 (G.R. No. 1083 of 2012) along with the entire Criminal Proceeding against the petitioners is hereby quashed.

9. This Criminal Miscellaneous application is accordingly allowed.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	AFR
CAV DATE	N.A.
Uploading Date	06/07/2018
Transmission Date	06/07/2018

