

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 8809 of 2015

Arising Out of P.S. Case No.-376 Year-2010 Thana- BHABHUA District- Kaimur (Bhabua)

1. Guddu Singh @ Suddu Singh, Son of Late Sudama Singh.
2. Sunita Singh Wife of Guddu Singh @ Suddu Singh.
Both Resident of Village- Bhabua Ward No. 12, P.S. Bhabua, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Deep Shikha Singh wife of Anand Singh @ Anand Kumar Singh, resident of village- Bahuawan, Post Khaira, P.S. - Sonhan, District- Kaimur at Bhabua. at present Address D/o Atama Prasad Singh, Resident of Village- Bhabua Ward No. 4, P.S.- Bhabua, District- Kaimur at Bhabua.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajani Kant Pandey, Advocate
For the State	:	Mr. Ajit Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 06-05-2019

Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have moved the Court under Section
482 of the Code of Criminal Procedure, 1973 (hereinafter referred
to as the 'Code') for the following relief:

*“That this is an application on behalf of
the petitioners for quashing the order dated
9.01.2015 as passed by learned Sessions Judge
Kaimur at Bhabua in Criminal Revision No. 106 of
2013/388 of 2014 and the order dated 16.05.2013
as passed by learned court of Judicial Magistrate,
Bhabua namely Sri Ajeet Kumar Singh in Bhabua
P.S. Case No. 376 of 2010 bearing its Tr. No. 1833*



of 2011 by which the petition under section 239 of Cr.P.C. has been rejected.”

3. The allegation against the petitioners, who are Uncle and Aunt of the husband of the opposite party no. 2 is of instigating the husband for maltreating the petitioners and also of torturing and assaulting her and also ousting from the matrimonial home.

4. Learned counsel for the petitioners submitted that they have no role in the matrimonial affairs of the opposite party no. 2. It was submitted that the house being ancestral has been partitioned and the petitioners are living separately to the husband of the opposite party no. 2 and never interfered in the affairs of the husband of the opposite party no. 2, much less, in matrimonial matters.

5. Learned APP submitted that there is direct allegation against the petitioners and perusal of the order impugned would reveal that the evidence collected by the police during investigation also shows the active involvement of the petitioners in torturing the opposite party no. 2 for realizing further dowry.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not find any merit in the present application. As has rightly been submitted by learned APP, once a finding has been recorded



by the Sessions Judge, Kaimur at Bhabhua in the impugned order that he had perused the FIR and the case diary and that the FIR and evidence collected during investigation also *prima facie* shows the involvement of the petitioners in the torture for dowry, the same does not warrant any interference by the Court under its inherent power under Section 482 of the Code.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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