

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20134 of 2017

Arising Out of PS. Case No.-2679 Year-2014 Thana- PURNIA COMPLAINT CASE District-
Purnia

1. Rajeev Kumar Ranjan, son of Muni Lal Mandal,
2. Muni Lal Mandal, son of Late Chhedi Mandal,
3. Parwati Devi, wife of Muni Lal Mandal,
4. Srawan Kumar Mandal, son of Late Chhedi Mandal,
5. Kanchan Devi @ Kanchan Kumar, wife of Rajeev Kumar Mandal,
6. Sarita Devi @ Sarita Kumari, wife of Dilip Mandal,
All resident of Village- Nath Nagar, Ward No.12, P.S.- Nath Nagar, District-
Bhagalpur.
7. Umesh Mandal @ Umesh Prasad Mandal, son of Late Bramdev Mandal,
8. Gyatri Devi, wife of Umesh Mandal,
9. Puja Kumari, daughter of Umesh Mandal,
petitioner Nos. 7 to 9 are resident of Village- Sant Nagar P.S.- Barari,
District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunaina Kumari, D/o Shiv Nandan Mandal, resident of Village- Kailu Tola,
Sukhsaina, P.S.- Barhara Kothi, District- Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Amit Kumar Anand, Advocate
For the State	:	Mr. Sri Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 29-07-2019

The petitioners seek quashing of the order dated
14.07.2015 passed by the learned Sub-Divisional
Judicial Magistrate, Purnea in connection with Complaint
Case No. 2679 of 2014 whereby cognizance has been



taken under Sections 498(A), 323, 494 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

2. After some arguments, learned advocate for the petitioners seeks permission to withdraw this petition with respect to petitioner Nos. 1, 2, 3, 5 viz. Rajeev Kumar Ranjan, Muni Lal Mandal, Parwati Devi and Kanchan Devi @ Kanchan Kumari and presses the petition with respect to petitioner Nos. 4, 6, 7, 8 and 9 viz. Srawan Kumar Mandal, Sarita Devi, Umesh Mandal @ Umesh Prasad Mandal, Gyatri Devi and Puja Kumari.

3. The petition with respect to petitioner Nos. 1, 2, 3, 5 viz. Rajeev Kumar Ranjan, Muni Lal Mandal, Parwati Devi and Kanchan Devi @ Kanchan Kumari is dismissed as withdrawn with the liberty to such petitioners to approach the Court below at the appropriate stage of discharge. Should such a petition be filed by the aforesaid petitioners before the Court below for discharge, the same shall be disposed off in accordance with law without being prejudiced by the fact



that the present petition with respect to them has not been entertained.

4. While pressing the case of petitioner Nos. 4, 6, 7, 8 and 9 viz. Srawan Kumar Mandal, Sarita Devi @ Sarita Kumari, Umesh Mandal @ Umesh Prasad Mandal, Gyatri Devi and Puja Kumari, it has been submitted on their behalf that they are sought to be prosecuted in this case only because they stand in some relation with the husband of complainant/O.P. No. 2 who is the petitioner No. 1 in the present petition.

5. It has further been submitted that petitioner No. 4 is the uncle of the husband of O.P. No. 2 whereas petitioner No. 6 is the married sister-in-law. The petitioner No. 7 is the husband of one of the sisters-in-law of O.P. No. 2 whereas petitioner No. 8 is wife of petitioner No. 7. The petitioner No. 9 is unmarried daughter of petitioner Nos. 7 and 8.

6. It has been submitted on behalf of the petitioners that O.P. No. 2 stayed in the matrimonial



home only for seven days whereafter the relationship between the spouses went awry. The petitioners do not stay under the same roof with petitioner No. 1 and only vague, general and omnibus allegations have been levelled against them.

7. The fact that O.P. No. 2 did not stay in the matrimonial home for more than a week is sufficient evidence of the fact that the allegation against the petitioner Nos. 4, 6, 7, 8 and 9 are absolutely unfounded because they, not being the residents of same household, would not have had sufficient opportunity to subject the O.P. No. 2 to any physical and mental torture.

8. Times without number this Court has noticed that in a bid to implicate the entire family members of the husband of the victim, even the unmarried daughters and daughters of the family who have been married long time ago are also not spared. Such intention of the complainant/O.P. No. 2 requires to be deprecated.



9. All that this Court can do at this stage is to assess the allegation levelled against such petitioners and decide whether it would be proper to subject them to the rigors of the trial merely because they also have been named in the complaint petition.

10. Considering the relationship of petitioner Nos. 4, 6, 7, 8 and 9 with the husband of O.P. No. 2 and other attendant facts which have been discussed above, this Court deems it appropriate to quash the order of cognizance dated 14.07.2015 passed by the learned Sub-Divisional Judicial Magistrate, Purnea in connection with Complaint Case No. 2679 of 2014 with respect to petitioner Nos. 4, 6, 7, 8 and 9 viz. Srawan Kumar Mandal, Sarita Devi @ Sarita Kumari, Umesh Mandal @ Umesh Prasad Mandal, Gyatri Devi and Puja Kumari.

11. The case with respect to petitioner Nos. 1, 2, 3, 5 viz. Rajeev Kumar Ranjan, Muni Lal Mandal, Parwati Devi and Kanchan Devi @ Kanchan Kumari, shall continue.



12. The petition stands partially allowed as indicated above.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
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