

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20244 of 2013

Arising Out of Case No.-2690 Year-2009 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Abhay Kumar @ Abhay Kumar Singh S/O Sri Ram Kailash Singh Resident
Of Village- Narsinghpur, P.S- Mushahari, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Komal Kumari W/O Abhay Kumar Singh And D/O Sri Kishori Narayan Mishra Resident Of Village- Narsinghpur, P.S- Mushahari, District- Muzaffarpur, Presently Resident Of Village- Sutihara, P.S- Mushahari, District- Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mrs. Bela Singh with Mr. Rajeev Ranjan, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 22-02-2019

Heard learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned A.P.P. for the State.

2. On 25.01.2019, the Court had recorded that despite service of notice on opposite party no. 2 nobody appeared on her behalf when the case was taken up and heard. The same position remains today.

3. In such background, on 25.01.2019 the Court had directed the Senior Superintendent of Police, Muzaffarpur to submit a report with regard to the facts and circumstances of the present case and whether she desires to contest the matter.



4. In terms thereof, learned A.P.P. has produced before the Court Letter No. 43 dated 14.02.2019 of the Senior Superintendent of Police, Muzaffarpur in the matter in which copies of the report of the Deputy Superintendent of Police, East, Muzaffarpur and the written statement given by the opposite party no. 2 before the Deputy Superintendent of Police in the presence of the concerned S.H.O, have been annexed.

5. From the above, it transpires that the opposite party no. 2, who was not satisfied with her marriage to the petitioner on the ground that some person was shown to her father but in the *mandap* of the marriage the petitioner, a different person with physical disability, was made to marry the opposite party no. 2. She has further stated that she has married one Raju Thakur in the year 2011 on her own accord and is leading conjugal life with him. Further, she has categorically stated that she does not want to pursue the present case. Let the communication produced by learned A.P.P. be placed on record.

6. Learned counsel for the petitioner submitted that the allegation made in the complaint case filed by the opposite party no. 2 does not even whisper with regard to the complainant being dissatisfied with the physical condition of the petitioner and she now stating before the police such fact clearly shows that there



was no truth in the allegations. It was submitted that it is totally unbelievable, in the background of the allegation that the petitioner was physically infirm, that there could have been any scope for any demand of dowry, muchless torture and abuse, as has been alleged in the complaint case.

7. Learned A.P.P. fairly submitted that in view of the stand taken by the opposite party no. 2 herself, it appears that the complaint case is not true.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties as also the report of the Senior Superintendent of Police, Muzaffarpur noted above, the Court finds that a case for interference has been made out.

9. The allegation relating to dowry etc. in the background of what has been stated by the opposite party no. 2 before the Deputy Superintendent of Police, East, Muzaffarpur, clearly shows that there is total contradiction between the two versions. However, when, before the police she has categorically stated that she had left the petitioner not being satisfied with his physical condition and further that she has remarried in the year 2011 on her own as also that she does not desire to pursue the



present complaint case, the Court is not required to go into the detail on merit.

10. For reasons aforesaid and taking an overall view in the matter, the application is allowed. The entire criminal proceeding arising out of Complaint Case No. 2690 of 2009 (Tr. No. 2219 of 2010), including the order dated 13.08.2010 by which cognizance has been taken, stand quashed.

11. Let the Lower Court Records be returned forthwith.

(Ahsanuddin Amanullah, J)

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