

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3233 of 2015

Arising Out of PS. Case No.-156 Year-2013 Thana- AHYAPUR District- Muzaffarpur

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1. Chandramani Singh, Son of Devendra Singh
 2. Sarita Devi Wife of Chandramani Singh
 3. Devendra Singh Son of late Siya Singh
 4. Bachchi Devi Wife of Devendra Singh All residents of Village - Sohijan, P.S. - Hathauri, District - Muzaffarpur.
 5. Rubi Singh Wife of Sri Prakash Singh resident of Village - Benipur, P.S. - Aurai, District - Muzaffarpur, presently, residing at B.S. Cloth, House 223, Main Road, Surendra Colony, Jharauda, Part - 1, Delhi - 110084.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Puja Kumari @ Dolly Daughter of Sri Kumar Prabhu Narayan Singh resident of Village - Ratanpura, P.S. - Bhagwan Bazar, District - Saran at Chapra, presently residing at Rasulpur Bajid, P.S. - Ahiyapur, District - Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prashant Sinha, Advocate
For the State	:	Mr. Md. Arif, APP
For the O.P. No. 2	:	Mr. Satish Kumar Giri, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 16-04-2019

Heard learned counsel for the petitioners; learned APP
for the State and learned counsel for the opposite party no. 2.

2. The petitioners have moved the Court under Section
482 of the Code of Criminal Procedure, 1973 for the following
relief:

*“That this application is being preferred on behalf of
the Petitioners abovenamed for quashing of the order
dated 17.11.2014 passed by the Chief Judicial
Magistrate, Muzaffarpur in Ahiyapur P.S. Case No.*



156/13, G.R. No. 1092/13 and T.R. No. 2395/14 whereby cognizance has been taken against the Petitioners under Section-498A of the I.P.C. and Section 3/4 of the Dowry Prohibition Act, pending in the court of Sub-Divisional Judicial Magistrate (East), Muzaffarpur.”

3. After some arguments, learned counsel for the petitioners submitted that he would not be pressing the application on behalf of petitioners no. 1 to 4 and only the case of petitioner no. 5 be considered by the Court.

4. Accordingly, the application on behalf of petitioners no. 1 to 4 stands disposed off as withdrawn.

5. The opposite party no. 2 has filed a case against the petitioners, who are relatives of her husband, alleging demand of dowry, torture, assault and also keeping back the jewellery and other articles belonging to her.

6. Learned counsel for the petitioner no. 5 submitted that from the entire reading of the FIR, there is only a vague, general and omnibus allegation that the petitioner no. 5 along with other family members used to misbehave and also assault the opposite party no. 2. It was submitted that the petitioner no. 5 is married and living with her husband in Delhi and has no concern with the affairs between the opposite party no. 2 and her husband. Learned counsel submitted that the opposite party no. 2 with *mala fide* intention and only to take revenge from all the family members of



her husband has filed the present case, which is a counter blast to Divorce Case No. 342 of 2012 which has been filed by the husband of the opposite party no. 2 against the opposite party no. 2 under Section 13 of the Hindu Marriage Act, 1955 seeking divorce. Learned counsel submitted that the said case was filed on 11.10.2012 and when the opposite party no. 2 became aware of the same, the present case has been filed on 21.03.2013.

7. Learned APP and learned counsel for the opposite party no. 2 could not controvert the submissions of learned counsel for the petitioner no. 5 that against the petitioner no. 5, there is no direct and specific allegation and the same is only general and omnibus.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that as far as petitioner no. 5 is concerned, the prosecution against her is not justified. It appears that only because she is the sister of the husband of opposite party no. 2, she has been implicated, despite the fact that she lives with her husband at Delhi, that is, far removed from the matrimonial home. The Court further finds that from the entire FIR, as has been rightly submitted by learned counsel for the petitioner no. 5, only general and omnibus allegation of assault and maltreatment has been levelled



against the petitioner no. 5 which, in the considered opinion of the Court, would not justify her from going through the rigors of a full-fledged trial. The Court is also in agreement with the submission of learned counsel for the petitioner no. 5 that she has been implicated only because of her relationship with the husband of the opposite party no. 2.

9. For reasons aforesaid, the application with regard to petitioner no. 5 is allowed. The entire criminal proceeding arising out of Ahiyapur P.S. Case No. 156 of 2013 (G.R. No. 1092 of 2013 /T.R. No. 2395 of 2014), pending before the Court below at Muzaffarpur, including the order taking cognizance dated 17.11.2014, as far as it relates to petitioner no. 5, stands quashed.

(Ahsanuddin Amanullah, J)

Anjani/-

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