

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14092 of 2015

Arising Out of PS. Case No.-29 Year-2014 Thana- KANKARBAG District- Patna

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1. Pinky Kumari, wife of Shree Santosh Kumar, resident of house of Ansule Agrawal, Sital Dham, 4th Floor, U-9, Deep Nagar, N.H. 12, Mandideep, Bhopal.
 2. Rinkee Kumari, wife of Sunil Kumar Singh House of Pawan Kumar Jha, 353, Gulmohar Residency, Ashoka Enclave Part - III, Sector - 35, Faridabad, Haryana.
 3. Sunita Devi Wife of Arvind Singh
 4. Arvind Kumar Sinha Son of Sri Ambika Singh
Both residents of P1/8, Vidyapuri, Kankarbagh, P.S. - Patrakar Nagar, Patna - 20.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manisha Kumari, wife of Kumar Nisas, Daughter of Late Sheodhari Singh Village - Tulshi Chowk, P.O. - Ganga Chowk, P.S. - Masaurhi, District - Patna, presently residing at C/o, Arun Kumar Mishra, 3rd Floor, Housing Colony, B- 27, Lohiya Nagar, Patna - 20.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Soni Srivastava, Advocate Mr. Ravi Bhardwaj, Advocate
For the O.P. No. 2	:	Mr. Archit Rajpal, Advocate Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 10-05-2019

Heard Ms. Soni Srivastava, learned advocate for
the petitioners and Mr. Archit Rajpal, learned advocate
for the informant/O.P. No. 2.

2. The petitioners have sought quashing of the
order dated 23.12.2014 passed by the learned Judicial
Magistrate, 1st Class, Patna in Kankarbagh P.S. Case No.



29 of 2014 whereby cognizance has been taken under Sections 147, 341, 323, 504 of the Indian Penal Code.

3. The informant/O.P. No. 2 is the sister-in-law of petitioner Nos. 1 and 2 and daughter-in-law of petitioner Nos. 3 and 4.

4. From the narration in the F.I.R, it can be clearly gathered that there is a matrimonial dispute between the informant and her husband. In the case which was lodged under Section 498(A) of the I.P.C against the husband of the informant, the petitioner Nos. 1, 3 and 4 were also made accused. Later, the case of petitioner Nos. 3 and 4 (parents-in-law of the informant/O.P. No. 2) were quashed by a judicial order. The petitioner No. 2 was never made accused in that case under Section 498(A) I.P.C. The petitioner No. 1 was not sent up for facing trial.

5. The fact remains that except for the husband of the informant/O.P. No. 2, nobody else is facing trial in the aforesaid case filed under Section 498(A) I.P.C.



6. The learned counsel appearing for the informant/O.P. No. 2 has stated that though a continuous thread does run between two cases namely the present case as also the case lodged against the husband of the informant/O.P. No. 2, nonetheless, the allegations in the present F.I.R has to be looked into independently, in isolation and has not to be appreciated by juxtaposing it against the aforesaid case of matrimonial dispute.

7. It has further been submitted that the local police is in cahoots with the petitioners and therefore, even the complaint which was lodged in the first instance was watered down significantly.

8. However, learned advocate for the informant/O.P. No. 2 admits that none of the police officers are the petitioners here in the present petition.

9. So far as the allegations are concerned, the petitioners are said to have put pressure on the informant/O.P. No. 2 in the dead of the night on one



occasion at her house for withdrawing the case.

10. Even if such statement is taken on its face value, it would not make out any one of the offences under the Indian Penal Code.

11.The allegation of divesting the informant/O.P. No. 2 of her gold chain does not appear to be probable and appears to have been included in the F.I.R for the purposes of adding serious colour to the case.

12. The Court below has not taken cognizance against the petitioners under Section 379 I.P.C., meaning thereby that the allegation of divesting the informant/O.P. No. 2 of her personal belonging has not found favour with the Court in the first instance.

13. This Court, taking into account the disturbed matrimonial relationship of the informant/O.P. No. 2, with her husband and the petitioners being closely related to the husband of the informant/O.P. No. 2, has come to the opinion that the allegations do not appear to



be correct and that this case would fall in the category of
de minimis non curat lex.

14. The order taking cognizance dated
23.12.2014 passed by the learned Judicial Magistrate,
1st Class, Patna in Kankarbagh P.S. Case No. 29 of 2014
is therefore set aside.

15. The application stands allowed.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14/05/2019
Transmission Date	14/05/2019

