

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4143 of 2016

Arising Out of PS. Case No.-68 Year-2015 Thana- MOHAMMADPUR District- Gopalganj

1. Manish Kumar, S/o Sri Mahendra Prasad Roy
2. Lalita Devi @ Lalita W/o Sri Mahendra Prasad Roy
3. Mahendra Prasad Roy S/o Late Ram Nagina Roy
4. Rajesh Kumar S/o Sri Mahendra Roy null
5. Shailendra Kumar S/o Sri Mahendra Prasad Roy
6. Prashant Kumar S/o Sri Mahendra Prasad Roy
7. Sarita Kumari W/o Sri Rajesh Kumar All resident of Mohalla - Janki Nagar, Hanuman Nagar, P.S. Patrakar Nagar, District - Patna

... .. Petitioner/s

Versus

1. State Of Bihar
2. Pushpa Kumari W/o Manish Kumar, D/o Late Prabhunath Prasad Yadav at Present resident of village - Bashghat Mansuriya, P.S. Mohammadpur, District - Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Devendra Narayan Singh, Advocate
For the Opposite Party/s	:	Mr. R.P.S. Singh, APP
For the Informant	:	Mr. Radha Mohan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

10 14-11-2019 Heard Mr. Devendra Narayan Singh, learned advocate for the petitioner, Mr. Radha Mohan Singh for the informant and Mr. Ram Priya Sharan Singh for the State.

The petitioner no. 1 is the husband of opposite party no. 2. Without adverting to the accusation levelled in the FIR, it can be stated in short that the marriage



between the spouses failed in a short while and efforts at reconciliation at the mediation centre and at the instance of the advocates for the parties also failed.

Learned counsel for the petitioner as well as the opposite party no. 2 have very fairly taken the stand that the accusation in the FIR is only an off-shoot of the matrimonial dispute between the spouses. Precisely for this reason, the allegations are absolutely vague and no specific overt act has been attributed against anyone of the other accused persons, which would include the parents-in-law and the brother-in-law of the opposite party no. 2. It has also been brought to the notice of this Court that at the time of occurrence, petitioner no. 5 was prosecuting his studies in IIT, whereas petitioner no. 6 was a medical student. Petitioner no. 7 is the wife of petitioner no. 4, who is also one of the brothers of petitioner no. 1.

A look at the FIR clearly indicates that the marriage has failed for which the responsibility can



squarely be laid on the spouses or on the husband exclusively but not on other members of the family.

Considering this aspect of the matter, the application with respect to petitioners no. 2 to 7 is allowed. The order of cognizance dated 08.01.2016 passed by the learned Additional Chief Judicial Magistrate, Gopalganj in connection with Mahamadpur P.S. Case No. 68 of 2015, whereby cognizance has been taken under Sections 498(A), 323, 406 and 504 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act is quashed.

The application with respect to petitioner no. 1 is rejected with a liberty to him to again make efforts for reconciliation and in the event of his being successful, he may approach the court for his discharge.

Should such an application be filed after reconciliation, the court below shall consider the same and pass appropriate orders in accordance with law.

The petition stands disposed of with the



aforesaid observation.

(Ashutosh Kumar, J)

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