

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19578 of 2015

Arising Out of PS. Case No.-108 Year-2012 Thana- SISWAN District- Siwan

-
1. Nirmala Devi @ Meera W/o Sri Harandra Pandey
 2. Pinki Devi W/o Late Jai Prakash Pandey
 3. Harendra Pandey S/o Late Jadu Nath Pandey all are resident of village-
Padeji, P.O.- Jaijore, P.S.- Andar, District- Siwan

... .. Petitioner/s

Versus

1. State Of Bihar
2. Ashok Kumar Upadhyay S/o Braj Mohan Upadhyay Resident of village-
Nirkhapur, P.S.- Siswan, District- Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Dwivedi, Adv
For the Opposite Party/s : Mr.M.Dayal, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 18-07-2019

Heard learned counsel for the parties.

2. The petitioners are relations of the husband of the daughter of opposite party No.2. They have sought for quashment of the order of cognizance dated 10.09.2013 passed in Siswan P.S.Case No.108 of 2012 corresponding to G. R. No. 2688 of 2012 whereby cognizance has been taken for offences under Sections 498A I.P.C. and 3/4 of the Dowry Prohibition Act. The husband of the daughter of opposite party No.2 is also a co-accused and he had approached this Court for quashing the same cognizance order in Cr. Misc. No.1620 of 2016 which was dismissed by a Coordinate Bench of this Court on 29.09.2016.



3. Submission of the learned counsel for the petitioners is that in view of the growing tendency to implicate all the family members whenever such dispute arises between the spouses, it has been held by the different courts that criminal proceeding against the inlaws be quashed. Further submission is that the allegation is general and omnibus and not specific against any of the petitioners.

4. Allegation against petitioner No.3-Harendra Pandey is specific that he asked for a motorcycle and colour T.V. as a condition precedent to take the bride to his house. The informant promised to provide in the same in future. Thereafter, the daughter of the informant went to her Sasural and other accused person, who are petitioners herein, started torturing her for non-fulfillment of the demand and were pressurizing her for early fulfillment of the demand. In the police investigation, material has come against the petitioners.

5. Learned counsel for the opposite party No.2 submits that trial is going on and the prosecution is leading its evidence after charge and charges have already been framed against all the petitioners. Hence, the cognizance order receded in consequence.

6. Considering the material on the record prima facie, disclosing the ingredients of offences for which cognizance has



been taken, I am not inclined to interfere with the impugned order.
Hence, this application is dismissed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.07.2019
Transmission Date	23.07.2019

