

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19153 of 2015

Arising Out of PS. Case No.-27957 Year-2014 Thana- PATNA COMPLAINT CASE District-
Patna

-
1. Gauri Shankar Singh son of Kedar Prasad Singh
 2. Anumala Devi wife of Gauri Shankar Singh, Both resident of village/Mohalla- Shibpuri, P.S.- Birpur, District- Supaul

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Vidya Singh wife of Rajeev Kumar Singh, son of Sri Madan Kumar Singh, Resident of Flat No. 404, Gauri Apartment, Jagdeo Path, P.S. Shastri Nagar, District- Patna. At present R/O W.E. 11, Koshi Colony, Police Station- Birpur, District- Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Md. Najmul Hodda, Advocate Md. Abdul Mannan Khan, Advocate
For the Opposite Party/s	:	Mr. Anuradha Singh App

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT
Date : 16-07-2019

Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. The petitioners are parents of the husband of Opposite Party No.2. They have sought for quashment of the cognizance order dated 14.11.2014 passed in Complaint Case No.27957(C) of 2014 whereby the learned Sub-Divisional Judicial Magistrate, Patna, has taken cognizance against the petitioners and has summoned to face trial for the offences under Section 498A of the Indian Penal Code and Section 4 of



the Dowry Prohibition Act.

3. The challenge is on the ground that conflicting statement is there in the complaint petition and the statement of the complainant on oath which goes to show false implication of the petitioners.

4. According to complaint petition, the petitioners demanded money for construction of a house at Birpur. When the complainant expressed inability of her parents, the accused persons abused her. About a month passed almost in the same situation. Thereafter, the informant left for Delhi along with her husband and she was peaceful and happy at Delhi. After sometimes the husband started demanding money for purchasing a Flat at Delhi. In paragraph-5 of the petition it is stated that when the complainant was pregnant her husband pressurized for miscarriage and committed assault to her; whereas in the statement on oath the complainant stated that the petitioner No.1 father-in-law had pressurized for abortion and father-in-law had in fact assaulted her.

5. Learned counsel for the complainant opposed the prayer on the ground that there is sufficient material against the petitioners also. Hence, the order requires no interference.

6. Considering the fact that allegation of demand of



four lacs for construction of house at Birpur was condoned by the complainant when she left for Delhi along with her husband and was happy at Delhi without making any complaint against the parents. Thereafter, the entire allegation is against the husband and not against the petitioners save and except the addition made in the solemn affirmation as disclosed above. Apparently, the prosecution of the petitioners suffers from oblique motive and amounts to abuse of the process of the Court.

7. Hence, the impugned order is thereby quashed only against the petitioners and the application stands allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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