

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21231 of 2015

Arising Out of PS. Case No.-288 Year-2013 Thana- MOHANIYA District- Kaimur (Bhabua)

1. Chandra Bhushan Singh S/o Ram Gyan Singh
2. Bhanu Pratap Singh S/o Chandra Bhushan Singh
3. Tetri Devi @ Tetara Devi W/o Chandra Bhushan Singh All Resident of Village Bhadaula, P.S. Kudra, District Kaimur Bhabua.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Uma Shankar Singh S/o Baijnath Singh Resident of Village Barej Mohania, P.S. Mohania, District Kaimur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Adv
For the A.P.P.	:	Mr. Manish Kumar No.2, APP
For the Informant	:	Mr.Babu Nandan Prasad, Adv

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 29-07-2019

Heard learned counsel for the parties.

2. The petitioners are accused in connection with Mohania P.S.Case No.288 of 2013 wherein cognizance was taken for offences under Section 3/4 of Dowry Prohibition Act on the report of opposite party No.2-Uma Shankar Singh.

3. According to first information report, the marriage of the daughter of the informant was settled with one of the petitioners, namely, Bhanu Pratap Singh. The informant has paid gift of Rs. 5,51,000/- at the time of Sagai, however, for non-fulfillment of demand of more dowry, the marriage could not be solemnized.



4. Learned counsel for the petitioners submits that the marriage was not solemnized due to some other reasons which need not be disclosed as disclosure would result as social stigma on the party to the marriage. However, the parties agreed and the petitioners refunded Rs.5,60,000/- to the informant which informant accepted at the time of hearing on anticipatory bail matter but the informant in spite of commitment did not file compromise petition before the learned court below.

5. Learned counsel for the informant does not dispute that informant has received back the aforesaid amount nor the averment in the petition has been denied on oath.

6. Considering the facts aforesaid, criminal prosecution of the petitioners, in the changed circumstances, would amount to the abuse of the process of the Court, hence, the impugned order and entire subsequent proceeding arising out of the impugned order stands quashed and this application stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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