

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1262 of 2017

Arising Out of PS. Case No.-10 Year-2016 Thana- MAHILA P.S. District- Bhabhua (Kaimur)

1. Meera Singh, wife of Tejbahadur Singh.
2. Tejbahadur Singh, son of Late Hari Charan Singh.
Both of them are residents of village-Lilapur, P.S.-Kudra and District-Kaimur.
... .. Petitioner/s

Versus

1. The State of Bihar.
2. Aakansha Singh, D/o Jandrdhan Singh, R/o Mahaniya, Ward no.6, P.S.-
Mohaniya, District-Kaimur.
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv.
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 14-02-2019 Heard learned counsel for the petitioners as well as
learned APP.

Petitioners are aggrieved by an order dated
19.08.2016 whereby and whereunder the learned lower court
summoned the petitioners to face trial for an offence punishable
under Section 498A/34 IPC as well as Dowry Prohibition Act.

It has been submitted at the end of the petitioners that
there happens to be no specific allegation against them and on
account thereof, summoning of petitioners did not found
justified from the materials having on the record. That being so,
the order impugned be set aside relating to the petitioners.

On the other hand, the learned APP opposed the same
and submitted that the status of petitioners happens to be father-



in-law and mother-in-law. They have negotiated. They have materialized the event and subsequently thereof, had there been proper protection at their end the matter would not have worsen. The status of father-in-law and mother-in-law is different from other distant relative because of having their accession day-to-day activities.

Considering the rival submission in consonance with the material available on the record, it is evident that distant relatives have already been given privilege by the learned lower court while identifying the petitioners along with husband after considering the material available on the record.

In Rajiv Thapar v. Madan Lal Kapoor reported in **(2013) 3 SCC 330**, it has been held:

“30. Based on the factors canvassed in the foregoing paragraphs, we would delineate the following steps to determine the veracity of a prayer for quashment raised by an accused by invoking the power vested in the High Court under Section 482 CrPC:

30.1. Step one: whether the material relied upon by the accused is sound, reasonable, and indubitable i.e. the material is of sterling and impeccable quality?

30.2. Step two: whether the material relied upon by the accused would rule out the assertions contained in the charges levelled against the accused i.e. the material is sufficient to reject and overrule the factual assertions contained in the complaint i.e. the material is such as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false?

30.3. Step three: whether the material relied upon by the accused has not been refuted by the prosecution/complainant; and/or the material is such



that it cannot be justifiably refuted by the prosecution/complainant?

30.4. Step four: whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?

30.5. If the answer to all the steps is in the affirmative, the judicial conscience of the High Court should persuade it to quash such criminal proceedings in exercise of power vested in it under Section 482 CrPC. Such exercise of power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial (as well as proceedings arising therefrom) specially when it is clear that the same would not conclude in the conviction of the accused.”

Accordingly, instant petition lacks merit and is accordingly dismissed.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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