

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.25841 of 2019**

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Rajani Kumari Wife of Murari Sharan Singh, Resident of Mohalla Kiratpur  
Gurudas @ Khabra P.S.- Sadar, Muzaffarpur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna, Bihar.
2. The District Magistrate cum District Registrar, Muzaffarpur District- Muzaffarpur.
3. The Superintendent of Police, Muzaffarpur, District- Muzaffarpur.
4. The District Sub Registrar, Registry Office, Muzaffarpur, District- Muzaffarpur.
5. The Circle Officer, Block- Mushhari, Muzaffarpur, District- Muzaffarpur.
6. Mr. Murari Sharan Singh, Son of Late Dev Sharan Singh, Resident of Mohalla Krishna Nagar, Khabra, Majhoulia, P.S. Sadar Muzaffarpur, District- Muzaffarpur.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Mukesh Kumar Singh  
For the Respondent/s : Mr.P.K. Verma (AAG-3)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

2      06-01-2020                      Following are the reliefs, which the petitioner has  
  
sought in the present writ application:-

“(i)    For direction to the  
concerned respondent (Respondent  
No.3) to look into the matter as to  
how and in what circumstances, the  
case lodged by the petitioner under  
Section 498A IPC and  $\frac{3}{4}$  of the  
Dowry Prohibition Act bearing Sadar  
P.S. Case No.3 26 of 2016  
Muzaffarpur District Muzaffarpur



was converted under Sections 341/323/504 I.P.C. only and found true against the husband of the petitioner only and other co-accused ( in-laws) have been exonerated from the charges after investigation and filing of the final report by the then I.O however there were specific allegation against each and every accused persons.

(ii) Petitioner further prays for direction to the concerned respondents ( Respondent No. 2,3 and 4) to restrain the husband of the petitioner from alienating the ancestral as well as acquired property till the pending matrimonial cases before the learned S.D.J.M Court Muzaffarpur, District Muzaffarpur so that vested rights as well as acquired right of the minor child of the petitioner as well as the rights of the petitioner being a legally wedded wife of the respondent no.6 may be protected and conserved.”

2. The office has pointed out the defect that the petitioner could maintain such relief in criminal writ jurisdiction



of this Court. In response to the said defect pointed out by the Stamp Reporter, learned counsel for the petitioner has submitted that he intends to confine prayer to relief No.(ii) only.

3. A prayer seeking such relief cannot be entertained in the present writ application filed under Article 226 of the Constitution of India as the Court exercising said jurisdiction cannot restrain husband of the petitioner from alienating his ancestral as well as self acquired property.

4. This writ application cannot be maintained and is accordingly dismissed.

5. Learned counsel for the petitioner seeks liberty to file criminal writ petition for relief No.(i). The petitioner shall be at liberty to do so.

**(Chakradhari Sharan Singh, J)**

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