

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19801 of 2020

Arising Out of PS. Case No.-78 Year-2016 Thana- MAHILA P.S. District- Patna

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1. RAJ KAMAL YADAV Son of Ram Deo Yadav @ Ram Prasad Yadav Resident of Village-Raiser, P.S.-Kotwali, District-Munger.
 2. Ravi Bhushan Yadav @ Ravi Yadav Son of Ramdeo Yadav @ Ram Prasad Yadav Resident of Village-Raiser, P.S.-Kotwali, District-Munger.
 3. Raj Narayan Yadav @ Narayan Yadav Son of Ram Deo Yadav @ Ram Prasad Yadav Resident of Village-Raiser, P.S.-Kotwali, District-Munger.
 4. Ram Deo Yadav @ Ram Prasad Yadav Son of Late Juwey Lal Yadav Resident of Village-Raiser, P.S.-Kotwali, District-Munger.
 5. Rakesh Yadav Son of Ram Deo Yadav @ Ram Prasad Yadav Resident of Village-Raiser, P.S.-Kotwali, District-Munger.
 6. Minu Kumari @ Minu Devi Wife of Ravi Bhushan Yadav Resident of Village-Raiser, P.S.-Kotwali, District-Munger.
 7. Rita Devi Wife of Raj Nandan Yadav Resident of Village-Raiser, P.S.-Kotwali, District-Munger.
 8. Raj Nandan Yadav @ Raj Nandan Prasad Yadav Son of Ram Deo Yadav @ Ram Prasad Yadav Resident of Village-Raiser, P.S.-Kotwali, District-Munger.
 9. Kendula Devi @ Tandul Devi Wife of Rajesh Yadav Resident of Village-Raiser, P.S.-Kotwali, District-Munger.
 10. Reshmi Devi Wife of Laxman Pd. Yadav Resident of Village-Raiser, P.S.-Kotwali, District-Munger.
 11. Rekha Devi Wife of Sambhu Kumar Chaudhary Resident of Village-Raiser, P.S.-Kotwali, District-Munger.
 12. Pramila Devi Wife of Ram Deo Yadav @ Ram Prasad Yadav Resident of Village-Raiser, P.S.-Kotwali, District-Munger.
 13. Raj Suman Yadav @ Suman Kumar Son of Ram Deo Yadav @ Ram Prasad Yadav Resident of Village-Raiser, P.S.-Kotwali, District-Munger.
 14. Rajesh Yadav Son of Ram Deo Yadav @ Ram Prasad Yadav Resident of Village-Raiser, P.S.-Kotwali, District-Munger.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dropadi Devi Wife of Chandra Yadav Resident of Katara Bajar, P.S.-Didarganj, District-Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh
For the Opposite Party/s : Mr.Ansar Ul Haque



**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 01-09-2022 Notice has been issued to opposite party no.2. The service report shows that she could not be traced at her address.

Heard the learned counsel for the petitioners.

Learned counsel for the petitioners has submitted that petitioners are the husband, in-laws and other family members of the informant Dropadi Devi. As per allegation, her marriage was solemnized with petitioner no.1. After some days of the marriage, the husband and her matrimonial inmates tortured her for non-fulfilment of dowry demand. Her husband solemnized his second marriage. The accused persons tortured her for non-fulfilment of dowry of one motor-cycle.

Learned counsel for the petitioners has submitted that with similar allegation the informant lodged Kotwali P.S.Case No. 120 of 2011 under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act which is still pending in the trial court. In that case, cognizance was taken only against the husband and the proceedings in respect of other accused persons including the petitioners were dropped. After five years of filing of the first FIR, the informant filed the second FIR with the same allegation and cognizance was taken



by the learned court below, vide order dated 19.04.2018.

It appears that the informant has already lodged a case in the year 2011 against the petitioners in which the husband is facing trial and other accused persons have been exonerated and again she filed the present FIR after five years which is nothing but an abuse of the process of the court.

In view of aforesaid, the application is allowed and the impugned order dated 19.04.2018 is quashed.

(Nawneet Kumar Pandey, J)

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