

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43270 of 2021

Arising Out of PS. Case No.-14 Year-2015 Thana- RAMGARHWA District- East Champaran

1. Uramila Devi Wife Of Nidhi Nath Tiwari Resident Of Village - Tadhawa Nandpur, P.S.- Baririya, Dist.- W. Champaran
2. Jhuna Tiwari Son of Nidhi Nath Tiwari Resident of Village - Tadhawa Nandpur, P.S.- Baririya, Dist.- W. Champaran
3. Nidhi Nath Tiwari Son of Late Bal Bhadra Tiwari Resident of Village - Tadhawa Nandpur, P.S.- Baririya, Dist.- W. Champaran
4. Hema Devi @ Chema Devi Wife of Santosh Mishra Resident of Village - Luwariya, P.S.- Baririya, Dist.- W. Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhannjay Kumar No 2, Advocate
For the Informant	:	Mr. Shri Kundan Rathor, Advocate
For the State	:	Mr. A.G

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL JUDGMENT

Date : 04-08-2022

Heard learned counsel for the petitioners,
informant and learned A.P.P for the State.

The present application has been filed for
quashing the order dated 23.07.2016 passed by the
learned Sub-Divisional Judicial Magistrate, Raxaul at
Motihari, East Champaran in Ramagarhawa P.S. Case
No. 14 of 2015, whereby cognizance has been taken
against the petitioners for the offences punishable under



Sections 341, 323, 498(A) of the Indian Penal Code and
Section 3/ 4 of the Dowry Prohibition Act.

It is alleged against the petitioners that they have demanded dowry to the informant and for non-fulfillment of the same, torture was inflicted upon the informant. The accused persons also got the pregnancy of the informant terminated without her consent and tried to kill her by pressing her neck.

It is submitted by learned counsel for the petitioners that petitioners have falsely been implicated in this case since they happen to be mother-in-law, brother-in-law, father-in-law and sister-in-law of the informant. Moreover, the informant and her husband have compromised the matter and subsequently a petition was filed by the husband of the informant for quashing of the F.I.R which was allowed by a coordinate Bench of this Hon'ble Court vide judgment dated 29.07.2019 passed in Cr. Misc. No. 43945 of 2015.

Learned counsel appearing on behalf of the



informant has not controverted this fact and submitted that both the parties have compromised the matter.

Considering the fact that both the parties have compromised the matter and the F.I.R as against the husband of the informant has already been quashed by this Hon'ble Court, allowing such proceeding to continue as against the petitioners will be an abuse of the process of Court.

Hence, in the interest of justice, the order of cognizance dated 23.07.2016 passed by the learned Sub-Divisional Judicial Magistrate, Raxaul at Motihari, East Champaran including the entire prosecution of Ramagarhawa P.S. Case No. 14 of 2015 with regard to the petitioners are hereby quashed.

The application is allowed.

(Sunil Kumar Panwar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	N/A
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