

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47804 of 2017

Arising Out of PS. Case No.-589 Year-2016 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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Mridula Kumari Daughter of Nagendra Prasad Gupta, Resident of Village-
Riga Mill Chawk, Police Station- Riga, District- Sitamarhi Bihar.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Sonam Kumari, Wife of Ashok Kumar, Resident of Village- Riga Mill
Chawk, Police Station- Riga, District- Sitamarhi Bihar. at present of Village-
Cakhni, Police Station- Bagha, District- West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan, Advocate
For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 30-06-2022 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The present quashing application has been filed for
quashing the order dated 27.06.2016 passed by the learned Sub-
Divisional Magistrate, Sadar, Sitamarhi in Complaint CI-589 of
2016 whereby cognizance under Section 498A of the I.P.C. read
with Section 4 of the Dowry Prohibition Act has been taken.

Learned counsel for the petitioner submits that the
petitioner is married sister-in-law of the complainant. It is next
submitted that by order dated 10.07.2018 notices were issued
upon the Opposite Party No. 2 and the same was filed within
time as directed by the said order.



Learned counsel for the petitioner further draws the attention of the Court to the Office Notes dated 18.01.2019 wherein it has been recorded that “earlier notices under both process was issued upon the Opposite Party No.2 and ordinary notice upon Opposite Party No.2 could not be served upon her as per report of process server that mother of O.P. No.2 refused to acknowledge the same stating that there has been a compromise between her daughter and son-in-law and both of them are living together, so a copy of the notices was hanged on the door. The undeliverable registered cover has yet not been received as per computer verification R-Net tracking report shows the status as consignment details not found”.

Learned counsel for the petitioner places reliance on Section 65 of the Cr.P.C. to submit that the service of notice be deemed to be valid for the reason that a copy of the summon was affixed on the door of the house of the O.P. No.2 since her mother refused to accept the summon.

In view of the Office report dated 18.01.2019 since the mother of the O.P. No. 2 herself has refused to accept the notice on the ground that the Opposite Party No.2 and her husband have compromised and are staying together as such continuation of the case against the present petitioner who is



married sister-in-law of the complainant would be an abuse of the process of the Court.

Learned A.P.P. for the State opposes the quashing application.

Considering the submissions made by the learned counsel for the petitioner and the notice report dated 18.01.2019, the order dated 27.06.2016 passed by the learned Sub-Divisional Magistrate, Sadar, Sitamarhi in Complaint Case No. CI-589 of 2016 is hereby quashed.

(Satyavrat Verma, J)

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