

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.808 of 2018

Arising Out of PS. Case No.-43 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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Rajendra Prasad Singh Son of Late Narsing Mahto, Resident of Khirauniya Colony, Sahara India Godown Road, Choti Pahadi, P.O.- Badi Pahadi, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. Binay Kumar, Son of Sri Bhaskar Shivram Choudhary
3. Smt. Rinki Devi, Daughter of Sri Bhaskar Shivram Choudhary and Wife of Sri Vijay Kumar,
Both are resident of Chandan Bhawan, Patel Nagar, Barbigha, P.S.- Barbigha, District- Sheikhpura 811105.
4. Two Unkown Women.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Dr. Pankaj, Advocate
For the Respondent/s : Mr.Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 07-07-2022 Heard learned counsel for the petitioner. Ms. Indu Kumari Srivastav whose name is printed on the cause list for the State is not present. Mr. Akhileshwar Dayal, learned A.P.P. has appeared just to complete the quorum.

Petitioner, in the present case, is aggrieved by and dissatisfied with the judgment/order dated 30.05.2018 passed in Complaint Case No. CA43/2016, Tr. No. 3001/2016 by the learned Sub-Judge-IV-cum-A.C.J.M., Patna City, Patna whereby the learned Sub-Judge-IV-cum-A.C.J.M. had dismissed the complaint under Section 203 Cr.P.C.



Learned counsel for the petitioner submits that the petitioner had filed a complaint case in which at the stage of 202 Cr.P.C. the learned Magistrate called for a report from the jurisdictional police station. The report was not submitted for a long time against which the petitioner had made a complaint against the S.H.O. of the concerned police station and based on that complaint the learned Magistrate had issued a notice to show cause to the said S.H.O.

It is submitted that later on police submitted a report saying that the petitioner has filed the complaint against the sister and brother-in-law of his own daughter-in-law. According to the said police report the case has been filed by way of a retaliation to the cases filed by the daughter-in-law of the complainant and no such incidents as alleged had ever taken place.

It is submitted that the police report was collusive, copy of the same was not made available to the petitioner and the petitioner was not heard before passing the order under Section 203 Cr.P.C.

This Court has found from the statements made in the revision application that there was a matrimonial dispute between the son and daughter-in-law of the petitioner in



connection with which a matrimonial case being Case No. 1026/2015 and a criminal case being Sheikhpura Mahila P.S. Case No. 31 of 2015 for the offence under Section 498A, 406 and 34 of the Indian Penal Code and 3 & 4 of the Dowry Prohibition Act are pending. This petitioner was an accused in the said criminal case at the instance of his daughter-in-law.

This Court further noticed that the petitioner is said to have filed a private complaint case but in the complaint petition he did not disclose that he followed the procedures required to be followed in the light of the judgment of the Hon'ble Supreme Court in the case of **Priyanka Srivastava & Anr Vs. The State of Uttar Pradesh and Ors.** reported in **(2015) 6 SCC 287**. Learned counsel for the petitioner admits that the copy of the complaint was never sent to the Superintendent of Police in terms of Section 154(3) Cr.P.C. and that the complainant was not filed on affidavit.

In the aforesaid facts situation where the private complaint case was lodged by the petitioner without following the procedures/requirements laid down by the Hon'ble Supreme Court in the case of **Priyanka Srivastava** (*supra*) the complaint could not have been entertained. The complaint has been dismissed in view of the revelations made in the police report,



this Court finds no reason to interfere with the impugned order.

This application has, thus, no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

