

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10031 of 2019

Arising Out of PS. Case No.-29 Year-2013 Thana- MAHILA PS District- Buxar

Surendra Tiwari @ Surendra Nath Tiwari S/o Late Ram Ikbali Tiwari Resident of Ward No. 19, Civil Line, Durga Takji Ke Pichhe Buxar, P.S.- Buxar (T), District and Town- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rima Devi W/o Jai Prakash Tiwari, D/o Barmeshwar Pandey, Resident of Village- Chourari, P.S.- Udwanthnagar, District- Bhojpur (Ara)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Roy

For the Opposite Party/s : Mr. Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 17-08-2023 Heard the parties.

2. This application has been filed for quashing the order dated 04.12.2018 passed by learned Sub-Divisional Judicial Magistrate, Bhojpur at Ara in Buxar (Mahila) P.S. Case No. 29 of 2013 / G.R. No. 1843 of 2013 / Tr. No. 4285 of 2018.

3. As per the prosecution case the informant is being harassed and tortured by her in-laws for dowry.

4. From the reading of the FIR, it appears that from very initial stage the name of the petitioner who is father-in-law of the informant has not been mentioned as one of the persons who has tortured the O.P. No. 02, subsequently, his name has come during investigation.

5. Learned counsel for the informant has submitted



that the petitioner was also involved in the torturing of the O.P. No. 02 and materials have come during investigation to connect the petitioner with the crime.

6. I have heard and considered the submission of the parties.

7. If the petitioner was involved in the torturing of the O.P. No. 02, nothing has prevented her from naming the petitioner in the FIR when she was naming other members of the family as accused and because of the same, the prosecution of the petitioner seems to be an afterthought of the O.P. No. 02.

8. In view of the above, this application is allowed.

9. Accordingly, the order dated 04.12.2018 passed by learned Sub-Divisional Judicial Magistrate, Bhojpur at Ara in Buxar (Mahila) P.S. Case No. 29 of 2013 / G.R. No. 1843 of 2013 / Tr. No. 4285 of 2018 as well as the prosecution of the petitioner in connection with Buxar (Mahila) P.S. Case No. 29 of 2013 is hereby quashed.

10. It is clarified that the prosecution of other accused persons in connection with the aforesaid case shall continue.

(Sandeep Kumar, J)

Vikas/-

U		T	
---	--	---	--

