

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16868 of 2023

Arising Out of PS. Case No.-191 Year-2020 Thana- PATNA COMPLAINT CASE District-
Patna

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Sunaina Devi @ Sunaina Sinha Wife Of Late Lala Vijay Kumar R/O Rai
Hasanpur, Chaitola, P.S.- Khajekala, P.O.- Khajekala, District- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Deepali Kumari D/O Late Ghanshyam Prasad R/O Harnaha Tola Ranipur
Khidki, P.S.- Khajikalan, District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mohit Raj, Advocate

For the Opposite Party/s : Mr.Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

3 13-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. This application has been filed for quashing of
order dated 22.10.2020 passed by learned Judicial Magistrate-
1st Class, Patna City in connection with Complaint Case No.
191 of 2020 by which learned Magistrate has taken cognizance
against the petitioner for the offences under Sections 498A, 323,
504 and 34 of the Indian Penal Code and Section 4 of the
Dowry and Prohibition Act.

3. Learned counsel for the petitioner has submitted
that petitioner is the mother-in-law of the informant and the
allegation against her is of torturing the opposite party no. 2 and



demanding dowry from her which is baseless.

4. Learned counsel for the opposite party no. 2 has submitted that her mother-in-law has challenged the cognizance order in this Court and her son who is the husband of opposite party no. 2 has challenged the cognizance order in revision in the District Court and both the petitioner and her son are delaying the trial of the case.

5. She further submits that she is not getting any maintenance though petitioner's son is a government employee. She further submits that son of the petitioner is avoiding appearance in the maintenance case though he has filed a divorce case vide Matrimonial Divorce Case No. 198 of 2022 which is pending in the Court of learned Principal Judge, Family Court, Patna City and the Maintenance Case No. 197 of 2020 is pending in the Court of learned Principal Judge, Family Court, Patna.

6. The Principal Judge Family Court, Patna is directed to dispose of the maintenance Case bearing Maintenance Case No. 197 of 2020 within three months from receipt/communication of this order.

7. Since the petitioner and her son are members of the joint family and they are staying together, now they have



knowledge about the maintenance case. The Principal Judge, Family Court, Patna/ Addl. Principal Judge Family Court, Patna will proceed in the matter *ex parte* against non-appearing party.

8. The allegation against the petitioner is that she along with other accused persons have tortured the opposite party no. 2 and demanded dowry from her though learned counsel for the petitioner submits that the allegation against her is false and fabricated.

9. The defence of the petitioner cannot be seen at this stage. The same can only be seen in the trial.

10. With aforesaid observation and direction, this application is dismissed.

11. Let a copy of this order be communicated to learned District Judge, Patna for its compliance through FAX and e-mail to proceed in the matter so that the trial of accused persons will proceed and the trial is concluded expeditiously.

(Sandeep Kumar, J)

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