

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12414 of 2015

Arising Out of PS. Case No.-118 Year-2010 Thana- PIRBAHOR District- Patna

Reeta Devi W/o Sri Raj Kumar Saw R/o Patel Nagar, near At St. Mary School, P.S. - Masaurih, Distt. - Patna.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Renu Devi W/o - Dayanand Kumar R/v - Bakarganj, Bhanwar Pokhar, P.S. - Pirbahor, Distt. - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha, Advocate
For the Opposite Party/s : Mrs.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 14-02-2023 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner has moved before this court for quashing of the order dated 25.11.2010 passed by the learned Chief Judicial Magistrate, Patna by which the cognizance was taken for the offence under Sections 498A, 494 and 34 of the Indian Penal Code.

As per the allegation, the marriage was solemnized in the year 1999. Subsequently, she conceived twice but due to work pressure, she could not deliver the child. Accordingly, the behavior of the family members changed and the father-in-law, mother-in-law wanted her husband to go for second marriage



and subsequently, the allegation is that on 13.04.2010, her husband married one Rikki Kumari. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that the lady is '*gotni*' and from the FIR, allegation seems to have been levelled against the informant's husband and his parents that they forced the informant to leave the house. Further, submission is that the couple reside separately from the accused persons at Masaudhi, Patna whereas the other accused persons reside at Bhanwar Pokhar, Patna.

On 14.05.2019, notices were issued upon opposite party no. 2 and as per the further order dated 23.08.2019 a Co-ordinate Bench accepted the notice received by the father of the opposite party no. 2 as to have been validly served.

No appearance has been made on behalf of the opposite party no. 2.

Having perused the FIR, it is clear that as the lady-opposite party no. 2 could not give birth to any child, on the pressure of mother-in-law and father-in-law, the husband went for second marriage with one Rikki Kumari followed by the present FIR.

Although, omnibus allegation is against this



petitioner, considering the fact that she is a '*gotni*', as per the documents available on record, she lives away from the family, despite the notice the opposite party no. 2 chose not to appear and/or contest the present petition, this Court is inclined to extend relief to the lady-petitioner.

The order dated 25.11.2010 passed by the learned CJM, Patna, so far as the cognizance taken against this petitioner namely, Reeta Devi under section 498A, 494 and 34 of the Indian Penal Code relating to Pirbahor P.S. Case No. 118 of 2010 is concerned, the same is quashed.

The petition stands allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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