

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6840 of 2017

Arising Out of PS. Case No.-208 Year-2016 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. Bipin Thakur Son of Kripal Thakur
 2. Anita Devi Wife of Bipin Thakur
 3. Nandini Thakur @ Nandni Thakur Daughter of Bipin Thakur
 4. Dhiraj Kumar Son of Bipin Thakur All are resident of Mohalla- Ali Nagar, Ward No. 1, Police Station- L.N.M.U. , District- Darbhanga.
 5. Sri Narayan Thakur @ Narayan Thakur Son of Ram Bhajan Thakur, Resident of Village -Bhrwara, Police Station- Singhwara, District- Darbhanga.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Juhi Devi, Wife of Dharendra Kumar Thakur, Resident of Mohalla- Alinagar, Ward No. 1, P.S.- N.L.M.U. District- Darbhanga. At present - D/o Gauri Shankar Thakur, Resident of Village- Muradpur, Police Station- Rosera and District- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Adv.
For the Opposite Party/s : Smt. Renuka Ratnakar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 6 09-10-2023 1. Heard learned counsel for the petitioners and learned APP for the State.
2. Learned counsel for the petitioners at the outset seeks permission to withdraw the quashing application with respect to the petitioner no.5.
3. Permission is accorded.
4. The present quashing application is dismissed as withdrawn with respect to petitioner no.5.
5. The present quashing application has been filed seeking



quashing of the order dated 06.12.2016 passed by the learned A.C.J.M. 1st, Rosera in Complaint Case No.208/2016, T.R. No.3074/2016, where by cognizance of offences under Sections 498(A) and 323 of the Indian Penal Code has been taken against the petitioners.

6. The learned counsel for the petitioners at the outset submits that the petitioners are father-in-law, mother-in-law, married sister-in-law and brother-in-law of the O.P. No.2, it is next submitted that whenever any dispute arises in between the husband and the wife the entire family members are implicated in a mechanical manner with general and omnibus allegation, it is further submitted that from bare perusal of the allegation as alleged in the complaint case, it would manifest that the allegation against the petitioners are general and omnibus in nature. It is further submitted that husband of O.P. No.2 is not a petitioner herein.

7. The learned counsel for the O.P. No.2 submits that what has been submitted by the learned counsel for the petitioners cannot be disputed that at times, it happens but then the present case is different as the husband of O.P. No.2 married one Lalita Devi during pendency of the quashing application and from the wedlock, two children were born, it is further submitted that the husband of O.P. No.2 married Lalita Devi since the same was not objected by the petitioners. It is next submitted that the husband of the O.P. No.2 was being supported by the petitioners in his second marriage, which



manifests from the fact that in the quashing application also the said fact has not been brought on record. It is thus submitted that had the petitioners not connived with the husband of O.P No.2 in getting married for the second time then the petitioners would have brought the said fact on record by themselves but by not doing so the points to the fact that the petitioners actively conspired with the husband of O.P. No.2 for his second marriage. The learned counsel further submits that offence under section 498A is a continuing offence and the fact that husband of O.P. No.2 performed his second marriage without seeking divorce from O.P. No.2, in which he was supported by the petitioners, that has caused immense mental trauma, more so when she came to know that petitioners participated in the second marriage of her husband and then kept it a secret.

8. The learned counsel for the petitioners is not in a position to rebut the submissions of the learned counsel for the O.P. No.2.

9. Considering the submissions made by the learned counsel for the O.P. No.2, the Court is not inclined to interfere with the order taking cognizance.

10. Accordingly, the present quashing application is hereby rejected.

(Satyavrat Verma, J)

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