

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14785 of 2017

Arising Out of PS. Case No.-2282 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Yogendra Rai @ Jogendra Rai, S/o Late Janak Rai.
 2. Usha Kiran W/o Jogendra Rai.
 3. Rohit Kumar @ Rohit Ranjan S/o Jogindra Rai.
 4. Ragani Singh W/o Vikram Karmveer D/o Yogendra Rai All resident of mohalla Mohanpur, Punaichak, P.S. - Shastri Nagar, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Seema Kumari W/o Rohit Kumar @ Rohit Ranjan of Mohalla Mohanpur, Punaichak, P.S. - Shastri Nagar, District - Patna at present Ramji Chak Digha (Behind Nahar) P.S. Digha, P.O. Bataganj, District Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mahendra Prasad Bhartee, Advocate
For the Opposite Party/s	:	Mr. Ajay Kumar Jha, A.P.P.
For the O.P. No.2	:	Mr. Rikesh Sinha, Advocate
		Mr. Rakesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT

Date : 03-10-2023

Heard learned counsel for the petitioners;
learned A.P.P. for the State along with learned counsel for
the Opposite Party No.2.

2. The learned counsel for the petitioners, at the
outset, seeks permission to withdraw the quashing
application with respect to petitioner no.3, who is husband
of the Opposite Party No.2.

3. Permission is accorded.



4. Learned counsel for the petitioners next submits that the petitioner no.1, died during the pendency of the quashing application and thus, by the order dated 21.09.2023 the quashing application with respect to petitioner no.1 was also withdrawn. It is further submitted that petitioner no.2 is mother-in-law of the Opposite Party No.2 and petitioner no.4 is married sister-in-law of the Opposite Party No.2, who resides abroad. Learned counsel for the petitioner next submits that from bare perusal of the complaint, it would manifest that the complainant alleges that she was married to Rohit Kumar on 03.03.2008, further at the time of marriage it was disclosed that her husband works in a private firm in Delhi as an engineer and is drawing a salary of Rs. 50,000/- (Rupees Fifty Thousand) per month. It is next submitted that after marriage when she, was not able to conceive, was taunted by the petitioners, but she became pregnant on 11.02.2010 and gave birth to a female child, who now is six years old. It is next alleged that on 12.06.2016 at about 12:00 noon when she was cooking food she saw that the accused persons by opening her almirah were taking out her jewelleryes and on protest



she was assaulted and they even tried to burn her. On alarm near by people came and Opposite Party No.2 left the matrimonial house for her parent's place, thereafter, a *panchayati* was held but the accused persons did not agree to keep O.P. No.2. The learned counsel submits that from bare perusal of the allegation as alleged in the complaint, it would manifest that the allegations are general and omnibus in nature. It is next submitted that though it is alleged that all her jewellerys were taken out from her almirah and the accused persons even tried to burn her but she was saved by her neighbour but then the complaint petition does not disclose the name of the persons who came to rescue her which does not inspire confidence in the allegation. It is next submitted that if what has been alleged was really true in that event it does not appear probable that four persons could not have handled the Opposite Party No.2, who was alone, if they intended to burn her. It is next submitted that from perusal of the allegation, it would manifest that the allegation is more in nature of normal wear and tear life than having criminal connotation. It is also submitted that whenever any dispute arises in between the husband and the



wife the entire family members are implicated in a mechanical manner.

5. The learned counsel for the Opposite Party No.2 submits that despite his best endeavour, he has not been able to seek instruction in the matter from the O.P. No.2.

6. The learned A.P.P. for the State opposes the quashing application.

7. Considering the submission made by the learned counsel for the petitioner, the order dated 17.01.2017 passed by Smt Sarika Vahalia, learned Judicial Magistrate 1st Class, Patna in Complaint Case No. 2282(C) of 2016, whereby cognizance has been taken under Sections 498A and 34 of the Indian Penal Code against the petitioners, is hereby quashed.

8. The quashing application is thus allowed.

(Satyavrat Verma, J)

Nilmani/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	04.10.2023
Transmission Date	N.A.

