

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 45498 of 2022

Arising Out of PS. Case No.-495 Year-2013 Thana- PATNA COMPLAINT CASE District-
Patna

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1. SHYAM NANDAN SINGH SON OF LATE JAGDISH SINGH R/O VILLAGE- BHARKURIYA KALA, POST OFFICE AND P.S.- SIRPURA, DISTRICT- ROHTAS
 2. URMILA DEVI WIFE OF SHYAM NANDAN SINGH R/O VILLAGE- BHARKURIYA KALA, POST OFFICE AND P.S.- SIRPURA, DISTRICT- ROHTAS

... .. Petitioner/s

Versus

1. The State of Bihar
2. PRIYANKA KUMARI WIFE OF PINKU KUMAR SINGH @ PINKU KUMAR, D/O RAJESH SINGH R/O MOHALLA- RAMJICHAK, DIGHA BASTAGANJ, GANDHI ROAD, P.S.- DANAPUR, DISTRICT- PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr Ashok Kumar Singh, Advocate
For the S t a t e	:	Mr Pranav Kumar, APP
For Opposite Party No 2 :		N O N E

CORAM: HONOURABLE MR JUSTICE SATYAVRAT VERMA

ORAL JUDGMENT

Date : 19-10-2023

It is submitted that petitioner No 1 Shyam Nandan Singh died during pendency of this quashing application.

2 Accordingly, this quashing application, in so far as petitioner No 1 Shyam Nandan Singh is concerned, is dismissed.

3 Heard learned counsel for the petitioner and the learned APP.



4 This case was taken up on 17.10.2023 when no one had appeared on behalf of Opposite Party No 2. Thereafter, the case was again taken up on 18.10.2023 when also none had appeared on behalf of Opposite Party No 2. Today, when the matter is taken up, again no one appears on behalf of Opposite Party No 2. As such, the Court cannot wait endlessly for the appearance of learned counsel for Opposite Party No 2. Hence, the Court proceeds to decide the case on its own merit.

5 The learned counsel for the petitioner submits that the present quashing application has been filed seeking quashing of the order dated 04.09.2013 passed by the learned SDJM, Danapur in connection with Complaint Case No 495C of 2013, whereby cognizance of offence under Sections 498A and 323 of IPC read with Section 4 of Dowry Prohibition Act, has been taken.

6 Learned counsel for the petitioners next submitted that petitioner is mother-in-law of Opposite Party No 2 and the Opposite Party No 2 had instituted the aforesaid complaint case alleging that she was married with Pinku Kumar Singh @ Pinku Kumar on 11.03.2012 and at the time of marriage, gift of Rs 2,50,000/- in cash was given along with clothes, ornaments etc. It is next alleged that after marriage, the conduct of the accused persons including the petitioner towards her changed and they



started pressurizing her to bring Rs 3 lacs for purchasing a Maruti Car otherwise they will oust her from her matrimonial home and on expressing her inability, they assaulted her. It is further alleged that her parents came and pacified the issue but later her husband again started tormenting her and used to show her inappropriate films and also assaulted causing injury on her hand for which she was taken for treatment on intervention of the neighbours, however, somehow she stayed in her matrimonial home for three months but still the nature of her husband did not change. It is next alleged that she went to her parental home where her husband also came on request of her uncle and brother but there also, the behaviour of her husband remained the same.

7 It is submitted that from perusal of the allegations, as alleged in the FIR, it would be manifest that the allegations are general and omnibus in nature against the petitioner. It is next submitted that petitioner, being mother-in-law of Opposite Party No 2, has been falsely implicated only with a view to coerce her husband into submission so that an amicable settlement is reached in between Opposite Party No 2 and her husband. It is next submitted that whenever any dispute arises in between the husband and the wife, the entire family members are being implicated in a mechanical manner with general and omnibus allegations.



Learned counsel next submits that the father-in-law of Opposite Party No 2 died because of shock which he received after the case was filed as he was also suffering from ailment. It is next submitted that petitioner is a widow and there is no specific allegation against her and thrust of the allegation is against the husband of Opposite Party No 2, as such, allowing the criminal case to continue would be an abuse of the process of the Court.

8 Learned APP opposes the quashing application.

9 Considering the submissions, the order dated 04.09.20213 passed by the learned SDJM, Danapur in Complaint Case No 495C of 2013 whereby cognizance of offence under Sections 498A and 323 of IPC read with Section 4 of Dowry Prohibition Act has been taken, is hereby quashed.

10 This application is allowed.

(Satyavrat Verma, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.10.2023
Transmission Date	22.10.2023

