

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7592 of 2015

Arising Out of PS. Case No.-170 Year-2007 Thana- TRIVENIGANJ District- Supaul

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1. Babu Nand Yadav, Son of Ram Prasad Yadav
 2. Ram Prasad Yadav, Son of Late Chotkan Yadav
 3. Gangiya Devi, Wife of Ram Prasad Yadav
 4. Ram Nandan Yadav @ Ram Nand Yadav, Son of Ram Prasad Yadav
 5. Punita Devi wife of Ram Nandan Yadav @ Ram Nand Yadav, All resident of village- Jharkaha, Police Station- Shankarpur, District- Madhepura

... .. Petitioner/s

Versus

1. State of Bihar
2. Shyam Sundri Devi, Daughter of Parmeshwari Yadav, Resident of village- Machaha Kusaha, Police station- Triveniganj, District- Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shekhar Kumar Singh, Adv.
		Mr. Rupesh Kumar Singh, Adv.
For the Opposite Party/s :		Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

10 05-12-2024 Heard Mr. Shekhar Kumar Singh, learned counsel appearing for the petitioners and Mr. Parmeshwar Mehta, learned APP appearing for the State.

2. The instant petition has been filed under section 482 of the Code of Criminal Procedure (in short 'Cr.P.C.') with a prayer to quash the order dated 04.01.2010 passed by the court of Chief Judicial Magistrate, Supaul, in connection with Triveniganj P.S. Case No. 170/2007, corresponding to G.R. No. 1113/2007, whereby and whereunder the learned Magistrate has taken cognizance of the offences punishable under sections 341,



323, 379 and 498(A) of the Indian Penal Code (in short 'IPC') and sections 3 and 4 of the Dowry Prohibition Act and summoned the petitioners for the said offences.

3. The main grounds taken by the petitioners are that the marriage of the O.P. No. 2 with the petitioner No. 1 took place six years ago from the date of filing of the complaint, which was sent to the police for investigation and in the entire complaint, any specific allegation has not been levelled against the petitioner Nos. 2 to 5, who are in-laws of the O.P. No. 2 and the allegation as to torturing the O.P. No. 2 by the petitioners for the demand of a buffalo is completely absurd and unbelievable and further, one male child took birth from the conjugal relationship between the petitioner No. 1 and O.P. No. 2 and till that period, there was no grievance on the part of the O.P. No. 2 regarding the behaviour of the petitioners.

4. Heard both the sides and perused the order impugned. The FIR is based on the complaint filed by the O.P. No. 2. The petitioner Nos. 2 to 5 are said to be the in-laws of the O.P. No. 2 and in the entire complaint, no specific role of any of them in committing cruelty with the O.P. No. 2 for the demand of Rs. 25,000/- and a buffalo has not been revealed by the O.P. No. 2 and the allegations levelled against them is general and



omnibus. Though the O.P. No. 2 has revealed in her complaint about several occasions when the demand of Rs. 25,000/- and a buffalo was made from her by the petitioners but any specific instance relating to any of the petitioners No. 2 to 5 has not been revealed by her which shows that she has made the petitioner Nos. 2 to 5 accused in her complaint only with an intention to harass them and also to create pressure upon them, so, in view of these circumstances, this Court does not find the order impugned taking cognizance against the petitioner Nos. 2 to 5 to be proper, so, it stands set aside in respect of them only and the instant petition stands allowed to the said extent and finding the specific role of petitioner No. 1 in committing the alleged occurrence, his prayer is rejected.

5. It is clarified that the order impugned taking cognizance of the alleged offences in respect of the petitioner No. 1 shall remain in force and the interim protection granted to him by this Court vide order dated 02.05.2019 is hereby vacated.

Re : I.A. No. 1 of 2023

6. Put up this interlocutory application before an appropriate Bench in the light of the order dated 14.02.2023.

(Shailendra Singh, J)

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