

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8941 of 2016

Arising Out of PS. Case No.-61 Year-2013 Thana- MAHILA P.S. District- Patna

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1. Babban Prasad S/o Late Chhathu Mistry
 2. Bindu Devi, W/o Babban Prasad
 3. Pappu Kumar Son Of Babban Prasad
All Resident Of Village- Jagat Narain Road, Jagjiwan Gali, P.S.- Kadam
Kuan, District- Patna

... .. Petitioner/s

Versus

1. State Of Bihar
2. Parinay Kumari @ Chhoti D/o Shankar Prasad Resident of Mohalla -
Bhanwar Pokhar, Devi Asthan, P.S. Pirbahore, District - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate
For the Opposite Party/s : Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

10 24-10-2024 Heard Mr. Pramod Kumar Singh, learned counsel for
the petitioners and Mr. Binod Kumar No.3, learned APP
appearing for the State.

2. The instant criminal miscellaneous petition has
been filed for quashing the order dated 13.07.2015 passed in
connection with Mahila P.S. Case No. 61 of 2013 by the learned
Judicial Magistrate-1st Class, Patna, whereby and whereunder
the learned Magistrate has taken cognizance of the offences
under Sections 341, 323, 504, 498A read with section 34 of the
Indian Penal Code (in short 'IPC') and Section 3/4 of the
Dowry Prohibition Act from which being aggrieved the
petitioners have filed this petition.



3. At the outset, it is submitted by the learned counsel for the petitioners that the petitioner no. 2 (Bindu Devi) has died. Considering this submission, the instant petition stands abated in respect of petitioner no. 2 (Bindu Devi).

4. Mr. Pramod Kumar Singh, learned counsel for the petitioner nos. 1 and 3 submits that the petitioner no. 1 is father-in-law and petitioner no. 3 is brother-in-law of O.P. No.2. The O.P. No. 2 has filed her FIR implicating all the family members of her husband as accused with the allegation of dowry demand of Rs. 2 lakhs and a motorcycle as well as torturing her for the said demand but the allegation is completely general and omnibus against both the petitioners and other family members of the husband of the O.P. No.2. After the investigation, the rest in-laws except the petitioners were not sent up by the police finding the allegations levelled by the O.P. no.2 in her FIR to be false against them. Though, the petitioners were chargesheeted but the allegations against them are similar to those levelled against other in-laws of the O.P. No.2. It is further submitted that during investigation, all the witnesses, including the O.P. No.2 made their statements in parrot manner reiterating the allegations described in the FIR by the O.P. No.2.

5. No one appears on behalf of the O.P. No.2 while



Mr. Binod Kumar No.3, learned APP appearing for the State is present. Learned APP submits that there is sufficient material to attract the alleged offences against the present petitioners and in the FIR as well as in the statements of the witnesses of the prosecution, who were examined during investigation, specific role of petitioner nos. 1 and 3 in the commission of the alleged cruelty has been revealed and the said petitioners were chargesheeted.

6. Heard both the sides and perused the relevant materials. Both the petitioners are named in the FIR and there is specific allegation of cruelty against the petitioner nos. 1 and 3 levelled by the O.P. No. 2 in her FIR and the same gets support from her re-statement as well as from the statements of other material witnesses. In view of the availability of the materials, this court is not persuaded to form the opinion that the alleged offences do not attract even *prima facie* against the petitioners. Accordingly, I find no force in this petition. Hence, the instant Criminal Miscellaneous petition stands dismissed.

(Shailendra Singh, J)

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