

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17874 of 2020

Arising Out of PS. Case No.-1172 Year-2018 Thana- MUNGER COMPLAINT CASE
District- Munger

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1. UMESH KUMAR @ UMESH PRASAD S/o Late Anup Lal Singh Resident of Mohalla- North Patel Nagar, P.S.- Patliputra, Distt- Patna.
 2. Raushan Kumar @ Abhishek Kumar S/o Umesh Kumar @ Umesh Prasad Resident of Mohalla- North Patel Nagar, P.S.- Patliputra, Distt- Patna.
 3. Anamika Sinha D/o Umesh Kumar @ Umesh Prasad Resident of Mohalla- North Patel Nagar, P.S.- Patliputra, Distt- Patna.
 4. Asha Devi @ Asha Kumari W/o Umesh Kumar @ Umesh Prasad Resident of Mohalla- North Patel Nagar, P.S.- Patliputra, Distt- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Ram Milan Kumar S/o Rajeshwar Prasad Singh Resident of Village- Gogachak, P.S.- Tarapur, Distt- Munger

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Mishra, Adv Ms. Pratibha Srivastava, Adv Mr. Varun Kumar, Adv
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP Mr. Jyoti Ranjan Jha, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 06-02-2024 1. Heard learned counsel for the petitioners and learned APP along with learned counsel for the OP No. 2, Mr. Jyoti Ranjan Jha.

2. The learned counsel for the petitioners submits that the present quashing application has been filed seeking quashing of the order dated 6-5-2019 passed by Raghuvansh Narayan, learned ACJM-II, Munger, in Complaint Case No. 1172(C) of 2018 whereby cognizance of offence under Sections 341, 323, 504 and 379 of the IPC has been taken.



3. The learned counsel for the petitioners next submits that OP No. 2 is husband of petitioner No. 3, and petitioner Nos. 1, 2 and 4 are father, brother and mother of the petitioner No. 3. It is next submitted that the petitioner No. 3 was married to the OP No. 2 on 6-6-2015. It is next submitted that the marriage in between petitioner No. 3 and OP No. 2 was a love marriage, but then they both belong to two different castes, as such, after marriage, the parents of the OP No. 2 started objecting the marriage in between OP No. 2 and petitioner No. 3, which led to torture of petitioner No. 3. It is further submitted that since petitioner No. 3 was in love with OP No. 2, as such, she chose not to file any case under section 498A of the IPC read with other sections, but then being fed up of the torture, she filed Matrimonial Case No. 675 of 2016 in the court of learned Principal Judge, Family Court, Patna, in which notices were issued on the OP No. 2. It is further submitted that petitioner No. 3 is working as a Grade-A Nurse in PMCH and she was pressurized by her in-laws to part with money and it was basically on the said issue that the torture started and it escalated when other family members also started objecting the marriage based on caste.

4. The learned counsel further submits that after the



OP No. 2 received the notice in the divorce case, he became skeptical that a criminal case may also be instituted against him and his family members as such, he filed the present complaint case implicating his wife and her family members.

5. The learned counsel next submits that the petitioners are residents of Patna and the OP No. 2 stays in Munger. It is further submitted that in the nature of allegation as alleged in the Complaint, the same does not inspire confidence and appears to be lacking in detail and is cryptic. It is next submitted that of late, in order to create counter blasts, even husbands are resorting to filing false and frivolous cases.

6. It is further submitted that if what has been alleged in the Complaint is true, then the OP No. 2 should have filed an FIR so that the case could have been investigated, but then resorting to filing of Complaint in comparison to registering an FIR is easy, and at the same time, the learned Magistrate also at the time of taking cognizance does not have any other material on record except for the evidence which has come during the course of inquiry based on which cognizance is taken.

7. The learned counsel further submits that the petitioner No. 3 if would have wanted, could have easily implicated the OP No. 2 and his family members in false



criminal cases, but then she chose to resort to a remedy which has civil consequences, but the OP No. 2 under misapprehension that the petitioner No. 3 may institute criminal case against him and his family members for the torture being meted out to her, instituted the present complaint case.

8. The learned counsel appearing on behalf of the OP No. 2 opposes the quashing application but is not in a position to rebut the submission of the learned counsel for the petitioners that petitioners are in-laws, wife and brother-in-law of the OP No. 2 and from the side of the OP No. 2, a divorce case has been instituted and the allegation under Section 379 of the IPC is ornamental.

9. Considering the submission made by the learned counsel for the petitioners, the order dated 6-5-2019 passed by Raghuvansh Narayan, learned ACJM-II, Munger, in Complaint Case No. 1172(C) of 2018 whereby cognizance of offence under Sections 341, 323, 504 and 379 of the IPC has been taken, is hereby quashed.

(Satyavrat Verma, J)

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