

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54108 of 2018

Arising Out of PS. Case No.-208 Year-2013 Thana- MANIYARI District- Muzaffarpur

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1. Rani Saurabh Suman @ Nishi Mishra, W/o Raju Mishra,
 2. Nagina Devi, W/o Late Yugeshwar Mishra, Both R/o Vill.- Silaut, P.S.- Maniyari, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

1. State of Bihar
2. Kamni Devi, W/o Late Ram Vinay Pandey, R/o Vill.- Saidpur, P.S.- Chak Mehsi, Distt.- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Sri Braj Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 20-07-2024

The instant application under Section 482 of the CrPC is taken up for hearing on the point of admission.

2. Having heard the learned Advocate for the petitioners, this Court is of the view that the application under Section 482 of the CrPC can be disposed of here and now, even without service of notice.

3. The petitioners are the wife of the elder brother-in-law and mother-in-law of the daughter of the Opposite Party No. 2. Further, it is alleged by the Opposite Party No. 2 that marriage of her daughter was solemnized with one Santosh Mishra, according to Hindu rites and ceremonies on 25th June, 2001. After marriage,



she was happy for about five years at her matrimonial home, thereafter, her husband demanded a sum of rupees one lakh to be brought from her paternal home. The Opposite Party No. 2, being a poor lady, could not satisfy the demand of her son-in-law.

4. It is also stated in the F.I.R. that on 15th September 2013, the husband of the daughter came to her house with his three minor children by motorcycle and dropped them in the house of the Opposite Party No. 2 and fled away. This prompted the petitioner to file an F.I.R. In the F.I.R., it is alleged that the on the previous night, i.e., on 15th September 2013, her son-in-law assaulted her daughter severely in presence of their three children and she was found not traceable from her matrimonial home since the morning of 15th September, 2013. It is alleged by the informant that she suspects that her son-in-law, i.e. the husband of her daughter committed murder of her daughter and concealed her dead body in some place. On the basis of the said complaint, Maniyari P.S. Case No. 208 of 2013, was registered on 26th September, 2013 under Sections 341, 342, 323, 498(A), 364, 511 and 34 of the Indian Penal Code.

5. I have carefully perused the written complaints submitted by the Opposite Party No. 2, there is no specific allegation of cruelty purported upon the daughter of the Opposite Party No. 2



against the petitioners. Moreover, it is submitted by the learned Advocate for the petitioners that the daughter of the Opposite Party No. 2, subsequently, returned to her matrimonial home and the case against her husband has been compromised by her. They are now residing happily with their children but in order to put pressure, she did not compromise the case against the petitioner nos. 1 and 2.

7. As a result of the fact that the dispute has been amicably settled between the daughter and the informant and her husband, who happened to be the principal accused and no specific role has been attributed against the petitioner nos. 1 and 2, the order of cognizance against the petitioners is bad in law and, therefore, cannot be sustained.

8. As a result, the application under Section 482 of the CrPC is allowed. Accordingly, the order of cognizance dated 26.06.2018 against the petitioners is quashed and set aside.

(Bibek Chaudhuri, J)

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