

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45461 of 2015

Arising Out of PS. Case No.-1220 Year-2013 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. Manish Kumar, S/o Muneshwar Prasad Singh
 2. Muneshwar Prasad Singh, S/o Bisheshwar Prasad Singh, Both residents of V3 Vidyapuri, Kankarbagh, P.S. - Patrakarnagar, District - Patna.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Dilip Kumar S/o Kaushal Kishore resident of Mohalla - A.P. Colony, House No. 437, P.S. - Rampur, District - Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	: Mr. Krishna Pd. Singh, Sr. Advocate Mrs. Meena Singh, Advocate
For the Opposite Party No. 02	: Mr. Arvind Kumar Mouar, Advocate Mr. Raj Krishna Jha, Advocate
For the State	: Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL JUDGMENT

Date : 12-07-2024

On the basis of a complaint submitted by the opposite party number 2, a complainant case number 1220 of 2013 corresponding to trial number 2237 of 2015 was registered against the petitioners for committing offence under Sections 312, 323, and 504 of the IPC.

2. It is found from the statement made in the instant application that after the initial inquiry, the learned magistrate sent the complaint for further inquiry under section 202 of the CrPC, and on the basis of such inquiry report by the police, the learning magistrate to cognizance of the offence against the accused persons under Sections 312/323 and 504 of the IPC against the petitioners.



3. The petitioners have filed the instant application under Section 482 of CrPC, praying for quashing the said complaint case against the petitioners. It is submitted by the learned advocate appearing on behalf of the petitioners that the marriage of the sister of the petitioner no. 01 was solemnized with the brother of the opposite party 02. Petitioner no. 02 is the father-in-law of the brother of the opposite party no.02 /informant. The said Shweta Kumari lodged a case under section 498A of the IPC against her husband, opposite party no.02as well as his wife and other maternal relations in the said criminal case. The wife of the opposite party no.02 was arrested on 18th May 2013 and was released on bail on 13th May 2013. Subsequently, the opposite party no.02 lodged a complaint that on 23rd June 2013, the petitioners came to their house in the absence of opposite party number 2 and assaulted his wife when she was at the stage of pregnancy. As a result of the assault she became ill and finally had to abort.

4. Learned advocates appearing on behalf of the petitioners submit that the alleged incident took place on 23rd June 2013 and the petition of complaint was filed on 2nd July 2013, i.e., after a lapse of about nine days.

5. There is no explanation for the delay. The criminal case filed by the opposite party no. 02 is the result of retaliation on false allegations because of the fact that the sister of petitioner no.



01 lodged a complaint under Section 498A of the IPC. It is also stated by the learned Advocate appearing on behalf of the petitioners that the case under Section 498A of the IPC has been compromised between the parties. The brother of the opposite party no. 02 has already filed a suit for divorce, therefore, there is no reason to continue with the instant criminal case.

6. The instant criminal case was lodged for a separate action not connected with the case under Section 498A of the IPC. The learned Magistrate took cognizance of the offence against the petitioners on the basis of the report under Section 202 of the CrPC and on the initial inquiry.

7. I do not find any justification to quash the aforesaid criminal case, accordingly, the instant Cr. Miscellaneous Case is dismissed.

(Bibek Chaudhuri, J)

Suraj Dubey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.07.2024
Transmission Date	16.07.2024

