

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28152 of 2016

Arising Out of PS. Case No.-2281 Year-2013 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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1. Munna Prasad son of late Hemnrayan Sah
 2. Bhola Sah S/o late Hemnarayan Sah
 3. Sawitri Devi W/o late Hemnarayan Sah
 4. Indu Devi W/o Munna Prasad
 5. Tarkeshwar Prasad S/o late Hemnarayan Sah
 6. Raju Sah S/o late Hemnarayan Sah resident of Mohalla- Lakdi Dahi,
Chandwara Bandh, P.S. Town, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Renu Soni W/o Raja Soni At Present resident of Mohalla- Malighat (near
Kaberi Gas Agency) P.S. Mithanpura, District Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K., Adv.
For the State : Mr. Binod Kumar No.3, APP
For the O.P. No.2 : Mr. Rabindra Pd. Singh, Adv. (PHC Legal Service Committee)

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

9 02-12-2024 Heard Mr. Sanjay Kumar @ S.K., learned counsel

for the petitioners, Mr. Binod Kumar No.3, learned APP for the

State and Mr. Rabindra Prasad Singh, learned counsel for the

O.P. No.2.

2. The instant petition has been filed under section
482 of the Code of Criminal Procedure (in short Cr.P.C.)
against the order dated 06.05.2014 passed by the learned
S.D.J.M. (East), Muzaffarpur in Complaint Case No. 2281/
2013 by which cognizance of the offences punishable under



section(s) 498A of the I.P.C. and section 4 of the Dowry Prohibition Act has been taken against the petitioners and others.

3. Learned counsel appearing for the petitioners submits that petitioners No.1, 2, 5 and 6 are brother-in-law, petitioner No. 3 is mother-in-law and petitioner No.4 is sister-in-law of the O.P. No.2 and in the entire complaint, no specific role of any of these petitioners in committing the alleged offences of cruelty and dowry demand has been revealed by the O.P. No.2. The marriage of the O.P. No.2 with Raja Soni took place on 15.01.1999 and after 14 years of the marriage, the O.P. No.2 has filed the complaint against the petitioners and her husband and the most important thing is that one month 17 days prior to the said complaint, the O.P. No.2 had filed a written application in the office of Superintendent of Police, Muzaffarpur (Annexure-2) and on that basis Town P.S. Case No. 325 of 2013 dated 05.07.2013 under section(s) 341, 323, 498(A) and 379 of the IPC was lodged against the husband and one Munna Prasad, petitioner No.1, and in that F.I.R., no allegation was levelled against any of these petitioners and the FIR clearly goes to show that the name of said Munna Prasad was later on added. It is further submitted that all the petitioners are separated since



long in mess and all other affairs with the husband of the O.P. No. 2 and they have no concern with the family affairs as well as matrimonial matters of the O.P. No.2.

4. On the other hand, learned counsel appearing for the O.P. No.2 submits that husband of the O.P. No.2, who is not here the petitioner, has solemnized 2nd marriage in which all the petitioners assisted and instigated the husband of the O.P. No.2 and the land purchased by the O.P. No.2 herself has been grabbed by the petitioners and in the present time the O.P. No.2 is completely helpless.

5. Heard both the sides, perused the order impugned as well as other relevant materials.

6. Admittedly, all the petitioners are in-laws of the O.P. No.2 and the marriage of the O.P. No.2 took place 14 years ago from the filing of her complaint petition and in the entire complaint, no specific role of any of these petitioners in committing the alleged offences of cruelty and dowry demand has been revealed and further, in the FIR which was lodged by the O.P. No.2 one month and 17 days prior to the filing of the complaint, no allegation was levelled against any of these petitioners which shows that the petitioners have been made accused by the O.P. No.2 with *malafide* intention to settle her



dispute as well as to create pressure upon her husband. In the opinion of this court subjecting the petitioners on trial for the alleged offences would be completely harassment to them and also the abuse of the process of the court, so, the order impugned taking cognizance against the petitioners is hereby set aside and the instant petition stands allowed.

(Shailendra Singh, J)

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