

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.540 of 2019

Arising Out of PS. Case No.-812 Year-2012 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Vinay Kumar Rai @ Vinoy Rangila Rai @ Vinoy Rai @ Vinoy Kumar Rangila Rai @ Vinay Ray Son of Late Rangila Rai Resident of Vinayak Nagar, New Majari Coliery, Qr. No. V4, P.O. and P.S.- Majari, District - Chandrapur (Maharashtra).
 2. Rohit Rai @ Rohit Vinoy Rai Son of Vinay Rai Resident of Vinayak Nagar, New Majari Coliery, Qr. No. V4, P.O. and P.S.- Majari, District - Chandrapur (Maharashtra).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Kumari @ Priyanka Rai Wife of Rohit Rai D/O Chandreshwar Singh, Resident of Village - Moldiyar Tola, Ward no.- 10, P.S.- Mokama, District - Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arbind Kumar Singh, Advocate
For the Respondent/s	:	Mr. Satya Nand Shukla, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 29-01-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. In Complaint Case No. 812(C) of 2012 under Section 498A of the I.P.C. and Section 3/4 of the Dowry Prohibition Act, the petitioners being the father-in-law and husband of the complainant filed an application under Section 239 of the Cr.P.C. praying for discharging them at the time of framing of charge. The learned Trial Judge on due consideration of evidence on record declined from discharging the petitioners.



3. Vide order dated 26.02.2019 so is the instant revision at the instance of the accused persons being the father-in-law and husband of the complainant. It is not in dispute that the marriage of the petitioner no.2 with the complainant, opposite party no.2 was solemnized on 19.05.2011 at Patna.

4. It is case of the complainant that after the marriage the matrimonial relations including the petitioners started torturing her both physically and mentally, the petitioner informed them that her father does not have financial capability to satisfy their demand. Moreover, at the time of marriage, some dowry as well as cash money was paid to the petitioners. Further case of the complainant is that she was subjected to torture and cruelty. It is not only disputed but rather admitted that the complainant tried to commit suicide more than once but for intervention. It also appears from the record which is relied upon by the learned advocate for the petitioners that a compromise was affected between petitioner no.2 and the complainant on 08.07.2012. In the mutual settlement in Paragraph-7 it is recorded that from the date of settlement the family members of both the complainant and the petitioner no.2 would not give aspersion to either of the parties, in paragraph no.8 it is stated that in respect of payment of dowry if either of



the parties did some act against the legal provisions he would be liable for that, in Paragraph no.10 it is stated that the complainant and petitioner no.2 would solve their dispute amongst themselves.

5. In spite of such settlement, the complainant was compelled to file a complaint under Section 498A of the I.P.C. and the relevant penal provisions under the Dowry Prohibition Act. From the mutual settlement, it appears that the complainant was tortured at her matrimonial home prior to the settlement. Moreover, there was a prima-facie case of demand of dowry. The said fact was corroborated by the complainant in her evidence as PW-4 in the Trial Court.

6. The learned advocate for the petitioner submits that there is no specific allegation against the father-in-law, petitioner no.1 herein and he is an old man of 70 years for this reason he should be discharged.

7. At the time of consideration of charge it is the duty of the Trial Court to come to a decision as to whether there is prima-facie ground to frame charge on the basis of evidence before charge. The Court will not require to go into the deep of the case as to whether the evidence adduced by the witnesses on behalf of the complainant would clearly establish the guilt of the



petitioners.

8. I have perused the materials available on record though the allegation is omnibus there is allegation against the petitioner no.1 also of cruelty under Section 498A of the I.P.C. Moreover, contradiction pointed out at Page-7 of the revision application cannot be relied on at this stage before cross examination by the defence.

9. Last but not the least, previously the petitioners filed an application under Section 482 of the Cr.P.C. praying for quashing of the instant proceeding. A co-ordinate Bench of this Court refused to quash the proceedings against the petitioners.

10. In view of what has been stated above, I do not find any reason of interference in the instant revision. Accordingly, the revision application is dismissed.

(Bibek Chaudhuri, J)

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