

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27478 of 2018**

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Dhaneshwar Ram S/o Late Rekha Ram, R/o House No. B-II-274 D.T.,  
Dhurva Sharma Road, PO and PS-Dhurva, District-Ranchi, Jharkhand-  
634004.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Laxmi Devi, W/o Krishnakant Ravi & D/o Lalbachan Ram,
3. Krishnakant Ravi, S/o Dhaneshwar Ram Both R/O Colony-Akhlaspur  
Patiya, PS-Bhabhua, District-Kaimur at Bhabhua, Bihar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Ms.Nirmala Kumari, Adv

For the Opposite Party/s : Mr. Rabindra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      25-01-2024                      1.      Heard learned counsel for the petitioner and  
learned APP.

2.      Learned for the petitioner submits that OP No. 2 is  
the daughter-in-law of the petitioner. It is next submitted that a  
false domestic violence case has been instituted by the OP No. 2  
against the petitioner in connivance with her husband. It is  
further submitted that husband is not implicated in the domestic  
violence case.

3.      It is further submitted that the OP No. 2 herein  
alleges that the petitioner is in extra-marital relation with  
another woman and on account of which, he was conspiring to



kill the OP No. 2 and her husband. It is further submitted that prior to institution of the present domestic violence case, a complaint in this regard was also lodged by the son of the petitioner, which on inquiry was found false. The learned counsel thus submits that since in the inquiry it was found that the allegation as alleged by the son of the petitioner is false, then continuance of the present case under the Domestic Violence Act is an abuse of the process of the court.

4. On query of the court, as to whether any order has been passed by the learned court against the petitioner or not, on which the learned counsel for the petitioner submits that an order directing payment of maintenance of Rs. 5,000/- has been passed by the learned court against the petitioner, which is under challenge in Criminal Revision No. 858 of 2016 before this court, which is pending adjudication.

5. The learned APP, Mr. Rabindra Kumar, vehemently rebuts the submission of the learned counsel for the petitioner and submits that what the petitioner is not able to achieve directly is trying to achieve indirectly. It is then submitted that petitioner, being aggrieved by an order of maintenance, has already approached this court in the aforesaid criminal revision, which is pending adjudication, and in the event that the present



quashing application is allowed, the Criminal Revision No. 858 of 2016 shall automatically become infructuous.

6. The learned APP next submits that since criminal revision is pending adjudication, as such this court should not interfere in the present quashing application.

7. Considering the submission made by the learned APP, the court is not inclined to entertain the quashing application and the same is rejected.

**(Satyavrat Verma, J)**

SUMIT/-

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