

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50116 of 2018

Arising Out of PS. Case No.-1165 Year-2016 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. Pinki Kumari @ Pinki Shani D/o Anup Lal Sahani @ Anup Lal Sahani
 2. Malti Devi W/o Anup Lal Sahani
 3. Dharam Pal Sahani @ Dharmpal Sahani S/o Anup Lal Sahani
 4. Anup Lal Sahani S/o Late Bhajan Sahani All are residents of Village - Rupan Patti, P.O.- Sukki Police Station - Baligaon, District - Vaishali.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Sumitra Devi W/o Late Ram Lakhan Sahani Resident of Village - Gohi Warisnagar Police Station - Warisnagar, District - Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan Sinha, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 08-05-2024 The petitioner No.1 is the daughter-in-law of the opposite party no.2. Other petitioners are the parents and brother of the petitioner No.1. Marriage of petitioner No.1 was solemnized with the son of the opposite party no.2 and as a result of marital discord, the petitioner no.1 filed a criminal case under Section 498A of the I.P.C. and the other penal provisions against her husband and opposite party no.2 in the year 2012. The criminal case under Section 498A of the I.P.C. is still pending.

2. It is contended on behalf of the petitioners that in



order to put illegal pressure and to wreck vengeance against the petitioners, the opposite party no.2 lodged a false complaint on 08.08.2016 stating inter-alia that the petitioner no.2 called the opposite party no.2 over telephone on 06.08.2016 near a Kali Temple at Samastipur over Bridge. When the opposite party no.2 reached there, the petitioner no.4 allegedly demanded Jewelleries and a sum of Rs.2,00,000/- which is spent in the marriage of petitioner no.1 with the son of the opposite party no.2. When the opposite party no.2 refused to accept such proposal she was wrongfully restrain, physically assaulted and criminal intimidated. Accordingly, on the basis of the said complaint the learned Judicial Magistrate took cognizance of offence against the petitioners under Sections 341, 323, 504/34 of the Indian Penal Court.

3. It is submitted by the learned advocate for the petitioners that all the offences complaint of, are bailable in nature. The petitioners reside in Kolkata, there was no occasion for them to come over to Samastipur and call the opposite party no.2 and commit the alleged offence. It is also submitted by the learned advocate for the petitioner that when a case under Section 498A of the Indian Penal Code is pending against the opposite party no.2 and his son, it is not possible for the



petitioners to call opposite party no.2 over telephone and make illegal demand of money and jewellery and on her refusal assault her.

4. It is further submitted by the learned advocate for the petitioners that the complaint filed by the opposite party no.2 against the petitioners is absolutely absurd and it was filed to wreak vengeance against the petitioners. The complaint case squarely false within Ground No.7 of ***Bhajan Lals case*** reported in ***(1992) Suppl. (1) SCC 335*** and the complaint is liable to be quashed.

5. Having heard the submission made by the learned advocate for the petitioners and on careful perusal of the materials on record and especially the petition of complaint, I find that a prima-facie case was made out against the petitioner No.4 only. No offence is said to be attributed against petitioner Nos.1, 2 & 3. Therefore, the order of taking cognizance against petitioner Nos.1, 2 & to 3 are liable to be quashed. Accordingly, the order of cognizance dated 30.01.2018 against petitioner Nos.1, 2 & 3 are quashed.

6. However, the complaint case will continue against the petitioner No.4 as the petitioners complaint contains specific overt-act only against the petitioner no.4.



7. Accordingly, the application under Section 482 of the Cr.P.C. is allowed in part. Criminal case against the petitioner No.1, 2 & 3 being Complaint Case No.1165 of 2016 be quashed and the same is disposed of.

(Bibek Chaudhuri, J)

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