

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34715 of 2016

Arising Out of PS. Case No.-29 Year-2013 Thana- MAHILA PS District- Gopalganj

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1. Manoj Kumar Singh and Ors son of Sita Ram Singh, Resident of Village- Gopalnath, P.S- Thawe, District- Gopalganj.
 2. Sitaram Singh son of Late Kamta Prasad Singh,
 3. Muktinath Singh,
 4. Harendra Singh 3 and 4 sons of Late Kamta Prasad Singh
 5. Ranjit Singh @ Ranjeet Kr. Singh son of Sitaram Singh.
 6. Paramhansh Singh son of Muktinath Singh
 7. Bindu Devi Wife of Late Dhananjay Singh.
 8. Ujjawal Singh @ Ujjawal Kumar Son of Late Dhananjay Singh.
 9. Arti Kumari d/o Muktinath Singh
 10. Mtitunjay Kumar Singh Son of Harendra Singh
 11. Usha Devi Wife of Ranjit Kumar 2 to 11 resident of Village- Goplamath, P.S- Thawe, District- Gopalganj.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Asha Devi, Wife of Manoj Kumar, D/o Shiv Shankar Singh, resident of Village- Beudi, P.S Barauli, District- Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary, Adv.
For the Opposite Party/s : Mr.Sri Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

15 19-11-2024 Heard Mr. Dhananjay Kumar Tiwary, learned counsel
for the petitioners and Mr. Jharkhandi Upadhyaya, learned APP
for the State. Nobody appears on behalf of O.P. No.2.

2. The instant petition has been filed for quashing the
order dated 25.05.2016 passed by the learned S.D.J.M.,
Gopalganj in connection with Gopalganj Mahila P.S. Case No.



29 of 2013 corresponding to Trial No. 4778 of 2016 whereby and whereunder cognizance was taken against the petitioners for the offences punishable under sections 498A and 406 read with section 34 of the Indian Penal Code.

3. It is submitted on behalf of the petitioners that marriage of the petitioner No.1 with O.P. No.2 (informant) took place in the year 1988 and they were blessed with two sons who are settled abroad and the petitioner No.1 had earlier purchased a plot in Gopalganj Town in the name of O.P. No.2 who sold the same without giving any information to the petitioner No.1 or his family members. It is further submitted that earlier also the O.P. No.2 filed a complaint case bearing No. 660/ 2011 under section 498A of the IPC and sections 3/4 of Dowry Prohibition Act which was dismissed under section 203 of the Cr.P.C. It is further submitted that after 26 years of marriage in presence of two major employed sons the O.P. No.2 has filed this false case against the entire family with an ulterior motive and there is no specific allegation against any of the petitioners and the facts of the complaint as well as the police report do not constitute a prima facie case against the petitioners under sections 498A and 406 read with section 34 of the I.P.C.

4. Heard both sides as well as perused the relevant



materials. By the impugned order the learned court below has taken cognizance of the offences punishable under sections 498A, 406 read with section 34 of the I.P.C. against the petitioners. Petitioner No.1 is the husband of O.P. No.2 (informant) and their marriage took place approximately 26 years ago and in the F.I.R. the informant accepted that her two sons and husband lived abroad and in the F.I.R. which has been filed against 11 persons, who are here petitioners, there is no specific allegation against any one of them with regard to the alleged offences of which cognizance has been taken. Furthermore, the informant earlier filed a complaint case against her husband and others which was dismissed under section 203 of the Cr.P.C. which shows that she habituated to filing criminal cases against her husband and in-laws and the facts of the F.I.R. also show that there was some property dispute in between the informant and her in-laws during the relevant time of the alleged occurrence and further the F.I.R. was registered after three days of the commission of the alleged offences without giving any proper explanation of the said delay. These facts persuaded this court to form the opinion that the informant lodged the F.I.R. of present matter with *malafide* intention to harass her husband and in-laws and putting the



petitioners on trial for the alleged offences would be complete harassment to them and the same would not serve the ends of justice also. Accordingly, the impugned order taking cognizance of the alleged offenses against the petitioners as well as all further proceedings having arisen out of the said cognizance order are hereby set aside and the instant petition stands allowed.

(Shailendra Singh, J)

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