

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61967 of 2023

Arising Out of PS. Case No.-609 Year-2021 Thana- SIWAN COMPLAINT CASE District-
Siwan

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1. UMESH RAI son of Late Dharmdev Rai Village- Keshari PS- Ekma Dist- Saran at Chapra
 2. Parvati Devi wife of Umesh Rai Village- Keshari PS- Ekma Dist- Saran at Chapra

... .. Petitioner/s

Versus

1. The State of Bihar
2. Alpana Kumar @ Guddiya Kumari wife of Bikesah Rai Village- Veshari Ps- Ekma Dist- Chapra Saran At Present D/o- Rabindra Nath Singh Village- Sakara Ps- GP Nagar Tarvara Dist- Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rabindra Kumar Tiwari, Advocate
For the Opposite Party/s	:	Mr. Anuj Kumar Shrivastava, APP
For the Opposite Party no.2 :		Mr. Yashwant Kumar Chawan, Advocate
		Mr. Mukesh Kumar Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
CAV JUDGMENT

Date : 10-07-2024

1. Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the opposite party no.2.

2. The petitioners have filed the instant application praying for quashing the order dated 9.6.2022 passed in Complaint Case no. 609 of 2021 whereby the learned Additional Chief Judicial Magistrate-III, Siwan was pleased



to take cognizance under sections 498A, 323 and 34 of the Indian Penal Code.

3. As per the prosecution case based on the complaint filed on 24.3.2021 by the complainant-opposite party no.2 in the Court of learned Chief Judicial Magistrate, Siwan alleges *inter alia* that she was married to the son of the petitioners herein on 25.6.2018. At the time of her marriage, her father had given dowry and gifts to the best of his capacity. It is stated that soon after the complainant was taken to her *sasural*, the accused persons started making demand of a four wheeler vehicle which according to them had not been given though promised by the complainant's father. She was forced to ask her father to give Rs. 6 lakhs in lieu of the car and was threatened that if the demand was not met, she would be coerced into committing suicide or would be forced to leave her *sasural*. In spite of all persuasion, the accused persons were not ready to listen. The complainant resided in her *sasural* for about 6-7 months and thereafter her father took her to his place. She was once again taken back on 5.6.2019 to her *sasural* where the accused persons took all her *streedhan*. She was threatened that she would be killed. The accused beat her up, physically and mentally tortured her and



ultimately forced her out of her *sasural*. Since then she has been residing at her parents place.

4. In course of inquiry, the statement of the complainant and three witnesses were recorded on S.A. By the order impugned dated 9.6.2022, cognizance was taken by the learned trial Court. It is against this order that the instant application has been filed.

5. Learned counsel for the petitioners submits that the petitioners happen to be the father-in-law and mother-in-law of the complainant. They have no concern with the complainant or her husband who happens to be their son. They are separate in mess and residence. No specific allegations have been levelled against them and even accepting the contents of the complaint and the statement of the inquiry witnesses, no *prima facie* case is made out against them. It is submitted that the order taking cognizance dated 9.6.2022 is bad and not sustainable. Thus the order impugned be quashed and the application be allowed.

6. The application is opposed by learned APP appearing for the State and learned counsel for the opposite party no.2. It is submitted by learned counsel appearing for the complainant that not only the petitioners who happen to be



the father-in-law and mother-in-law of the complainant are named in the complaint but the inquiry witnesses have supported the complainant's case. The learned trial Court has rightly taken cognizance in the case. There being no merit in the instant application, the same be dismissed.

7. Having heard learned counsel for the parties and having perused the material on record, this Court finds that the petitioners happen to be the father-in-law and mother-in-law of the complainant. They are named in the complaint as accused and there are allegations in the complaint of them along with the husband and others of having made demand of Rs. 6 lakhs in cash for purchasing a car as also of physical and mental torture meted out to the complainant. Further the inquiry witnesses which includes the brother and father of the complainant as also an independent witness have supported the case of the complainant as mentioned in the complaint petition. In the opinion of the Court, *prima facie* case having been made out against the petitioners herein, the learned trial Court by its order dated 9.6.2022 rightly took cognizance in the case against the petitioners under sections 498A, 323 and 34 of the Indian Penal Code. The petitioners have not been able to point out any illegality in the order impugned.



8. The Court finds no merit in the instant application
and the same is dismissed.

(Partha Sarthy, J)

Shiv/-

AFR/NAFR	
CAV DATE	16.05.2024
Uploading Date	10.07.2024
Transmission Date	

