

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.72289 of 2022**

Arising Out of PS. Case No.-495 Year-2022 Thana- NALANDA COMPLAINT CASE  
District- Nalanda

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1. Amrita Swaraj, D/O Sri Akhilesh Paswan, W/O Sri Aryan Raj R/O Village- Narayanpur, Ghahgi and P.S- Jasidih, District- Deoghar, Jharkhand, At present residing at Transport Nagar, Chhoti Police Choky P.S- Agamkuan, District- Patna
  2. Akhilesh Paswan, Son of Late Dwarika Paswan, Permanent residing of village Onma, P.S- Shekhopursarai, District- Shekhpura, at present residing at village- Narayanpur, Ghahgi, P.S- Jasidih, District- Deoghar, Jharkhand
  3. Deepak Kumar @ Vishwajeet Kumar Deepak, Son of Akhilesh Paswan Permanent Residing of Village Onma, P.S- Shekhopursarai, District- Shekhpura, at present residing at village- Narayanpur, Ghahgi, P.S- Jasidih, District- Deoghar, Jharkhand.
  4. Monika Kumari, W/O Ramesh Paswan, D/O Akhilesh Paswan Permanent residing of village Onma, P.S- Shekhopursarai, District- Shekhpura, at present residing at village- Narayanpur, Ghahgi, P.S- Jasidih, District- Deoghar, Jharkhand.
  5. Vinod Paswan, S/O Tanik Paswan Permanent residing of village Onma, P.S- Shekhopursarai, District- Shekhpura, at present residing at village- Narayanpur, Ghahgi, P.S- Jasidih, District- Deoghar, Jharkhand.
  6. Ramcharitra Paswan @ Chalo, S/O Late Dwarika Paswan Resident of Village Onma, P.S- Shekhopursarai, District- Shekhpura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rampravesh Paswan, S/O Late Dashrath Paswan, R/O Mathurapur, P.S- Noorsarai, District- Nalanda at Biharshariff

... .. Opposite Party/s

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**Appearance :**

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| For the Petitioner/s :     | Mr. Ranjan Kumar Sinha, Advocate |
| For the Opposite Party/s : | Mr. Ram Sumiran Rai, APP         |
|                            | Mr. Pankaj Kumar, Advocate       |
|                            | Mr. Ram Murti, Advocate          |
|                            | Mr. Niranjana Kumar, Advocate    |

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**CAV JUDGMENT**

**Date : 11-07-2024**

1. Heard learned counsel for the petitioners, learned  
A.P.P. 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 4.8.2022 passed in Complaint Case no.495 of 2022 by the learned Judicial Magistrate First Class, Nalanda at Bihar Sharif whereby the learned trial Court was pleased to take cognizance under sections 323, 504, 427, 506 and 34 of the Indian Penal Code.

3. The prosecution case as per the petition of complaint filed by the complainant-opposite party no.2 on 16.6.2022 in the Court of learned Chief Judicial Magistrate, Bihar Sharif, Nalanda alleges *inter alia* that the complainant married his son to the petitioner no.1 on 26.4.2021. The petitioner no.1 stayed in the house of the complainant for about one week and thereafter went back. She did not return. Over this dispute, the complainant states that the accused persons came variously armed on 12.6.2022 at about 7 a.m. in two Scorpio vehicles and started to assault the complainant. They started saying that they had spent Rs.20 lacs in the daughter's marriage which should to be returned or else the complainant would be killed. On this it is stated that the petitioner no.3 said that the complainant would have to pay a *rangdari* of Rs.40 lacs. On this the complainant was assaulted, pushed against the wall as a



result of which he fell down. The accused persons started to assault with fists and kicks as a result of which he was injured. On *hulla* being raised, the complainant states that his son, daughter-in-law, wife and others reached there. They were also assaulted and injured. The accused persons including the petitioner no.5 who was carrying a knife entered the house searching for the son of the complainant and demanding Rs.40 lacs. Threats were hurled that in case the amount was not paid, he would be killed. The accused took away the gold and other ornaments of the complainant's daughter-in-law, total worth of which was Rs.3.5 lacs. The petitioner no.5 also took away Rs.10 lacs which was kept for the marriage of the complainant's daughter. The accused persons destroyed other articles in the household including T.V., fridge, almirah etc. The complainant states that he went to the Noorsarai Police Station to register a case but no case was registered. As such, the complaint was being filed.

4. On the complaint having been filed by the complainant, Complaint Case no.495 of 2022 was registered. The statement of the complainant on SA was recorded. Further, the statement of the witnesses Kumar Ramakant Prakash and Krishna Mohan Paswasn were recorded in course of inquiry. By



order dated 4.8.2022, the learned trial Court was pleased to take cognizance in the case against which the instant application has been preferred.

5. Learned counsel for the petitioners submitted that the petitioner no.1 happens to be the daughter-in-law of the complainant-opposite party no.2 and the other petitioners are the father, brother, sister, cousin brother and uncle of petitioner no.1. It is submitted that the petitioner no.1 was married to the son of the complainant on 26.4.2021. Soon after the marriage, there was demand of residential flat etc. by way of dowry and the petitioner no.1 was physically and mentally tortured by the opposite party no.2 and others. This led to the petitioner no.1 filing a complaint (Annexure-3) on 24.6.2022 in the Court of learned Additional Chief Judicial Magistrate, Patna City, Patna which was registered as Complainant Case no.769 of 2022 wherein the opposite party no.2 and others have been made accused. The petitioner no.1 also filed a divorce case on 29.6.2022 under section 13 of the Hindu Marriage Act against the son of the opposite party no.2 which was registered as Matrimonial (Divorce) Case no.885 of 2022 in the Court of learned Principal Judge, Family Court, Patna. Knowing that these cases were going to be filed by the petitioner no.1 as a



result of the torture meted out to her, it was to set up a defence on their part that the opposite party no.2 has filed the instant complaint case making false and frivolous allegations against the petitioner no.1 and others. The continuance of the instant case against the petitioners would be an abuse of the process of the Court. As such, it is prayed that the order taking cognizance, impugned herein, be quashed and the application be allowed.

6. The application is opposed by learned counsel appearing for the opposite party no.2. It is submitted that from reading of the contents of the complaint petition, *prima facie* case is made out against all the accused persons. It is further submitted that the complainant in her SA as also the other witnesses whose statements were recorded in course of inquiry have supported the prosecution case. There is no illegality in the order taking cognizance, no merit in the instant application and the same be dismissed.

7. Having heard learned counsel for the parties and having perused the material on record, especially, the contents of the complaint petition and the statement of the complainant recorded on SA, this Court finds that *prima facie* case is made out against the petitioners. So far as the complaint and the divorce case filed by the petitioner no.1 is concerned and the



arguments/submissions made by learned counsel for the petitioners with respect to the same, the same are in the nature of defence of the petitioners which on being raised at an appropriate stage will be looked into by the learned trial Court.

8. In the opinion of the Court, no illegality has been pointed out on behalf of the petitioners in the order impugned.

9. In view of the facts and circumstances of the case, the Court finds no merit in the instant application and the same is dismissed.

**(Partha Sarthy, J)**

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