

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.3443 of 2023

Arising Out of PS. Case No.-1132 Year-2022 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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1. Ashna Manoram @ Asna Manoram @ Ashna Manorama D/O Arun Kumar R/O 2k/81, Housing Colony, P.S. Bariyatu, District- Ranchi (Jharkhand)
 2. Arun Kumar Son Of Veni Madhav Prasad R/O 2k/81, Housing Colony, P.S. Bariyatu, District- Ranchi (Jharkhand)
 3. Mridula Sahay Wife Of Arun Kumar R/O 2k/81, Housing Colony, P.S. Bariyatu, District- Ranchi (Jharkhand) Petitioners

Versus

1. The State of Bihar
2. Shri Uday Kumar Srisvastava Son Of Late Nagina Prasad R/O Gayatri Nagar, Nazirpur, P.S.- Ahiyapur, District- Muzaffarpur Opposite Parties

Appearance :

For the Petitioners : Mr.Harsh Singh, Advocate
For the State : Mr.Ramchandra Sahni, Addl Public Prosecutor
for opposite party no.2 Mr. R.M.Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-03-2024 Heard learned counsel for the parties.

2. This application has been filed seeking quashing of order dated 18.7.2022, passed in connection with Complaint Case No. 1132 of 2022 giving rise to Trial No. 2824 of 2022 by the Court of the Judicial Magistrate 1st Class, East Muzaffarpur, whereby cognizance has been taken of offences punishable under sections 500, 504 and 385 of Indian Penal Code and summons have been issued against the petitioners.

3. Prosecution's case, in short, is that complainant/opposite party no.2 works as Research Associate in HRED, IIT Roorkee.



His son Rahul Srivastava and Miss Ashna Manoram (accused no.1/petitioner no.1 herein) met on online matrimonial site Jeevansathi. Opposite party no.2 met the accused for the first time at Noida on 28.02.2021 and the same day, the date for engagement ceremony was fixed for 26.03.2021, on which date a simple engagement ceremony took place at Patna and the date of marriage was fixed for 22.11.2021. On 17.04.2021, even on refusal of the complainant, father of petitioner no.1 transferred Rs 98,000/- to the account of complainant's mother as Sagun, which was transferred back to the account of petitioner no.3 by Rahul Srivastava on 18.02.2022. Meanwhile, complainant's wife died of COVID on 06.05.2021, on account of which complainant requested that the date for marriage be extended till 1.5.2022 upon which petitioner no.1 became furious and started abusing the complainant and his family.

4. It is further stated that on 10.06.2021, Accused No. 01 made false allegations about Rahul Srivastava having illicit relation with his 24 year old unmarried sister, which shook the complainant, who decided not to marry Rahul Srivastava to petitioner no.1. Petitioner 1 thereafter became angry and threatened to send the complainant and his family members behind bars by registering false criminal cases. She also abused



Rahul Srivastava a lot and called other contacts of Rahul including his landlord, friends and relatives by making false allegations with an intention to tarnish his image so that Rahul would lose his job in order to satisfy her ego. After the aforesaid incident and death of complainant's wife, petitioner 1 asked Rahul Srivastava to leave his father and sister, but when Rahul refused to do so, petitioner 1 got very angry and abused the complainant and his family badly. Petitioner no. 1 sent mail to Director, IIT Roorkee, the office of complainant's son making false allegations, which severely affected the reputation of complainant and his son in the office. On 17.01.2022 petitioner no. 1 and her parents abused on a phone call of complainant's son and made illegal demand of Rs 10 lakhs from him and threatened that if the demand was not met, the entire family would be harassed in false criminal case of dowry harassment and would be put behind the bars. As such complainant's son filed an informative petition on 09.02.2022 in the Court of S.D.M. East Muzaffarpur.

5. It is further case of the complainant that on 10.02.2022, accused came to Muzaffarpur at midnight and started defaming the complainant and his son Rahul. However, accused persons were requested to come in the morning but again they came to



the house at around 11 pm to publicly harm the reputation of the complainant and his family members. Aforesaid amount of Rs 98,000/- was transferred on 18.02.2022 from the account of Rahul Srivastava to the account of Mridula Sahay (petitioner no.3). On 03.03.2022, petitioner no.1 reached the residence of Rahil Kumar in Roorkee in person and abused him. On 17.03.2022 when the complainant was at his residence at Muzaffarpur, petitioner no.2 threatened the complainant over phone that if amount of Rs 10 lacs was not given, all family members of complainant would falsely be implicated in the case.

6. Learned counsel for the petitioners submits that the petitioners are innocent have committed no offence. Prosecution against these petitioners is malicious, false and an abuse of the process of the Court. He submits that soon after marriage of petitioner no.1 with complainant's son, there were demands of dowry from the complainant's family, on account of which gold, silver jewellery, clothes and valuables worth Rs 8,00,000/- were given. On the date of engagement i.e. 26.03.2021, complainant again demanded a sum of Rs 5,00,000/- as dowry. Petitioner no. 2 had to transfer Rs 1,05,000/- through bank transactions and the entire cost of engagement ceremony to the tune of Rs 2



lakhs was borne by petitioner no. 2. However, initially the date of marriage was deferred on account of death of complainant's wife. But thereafter the complainant's family kept postponing the date of marriage on one pretext or the other and the demands also kept increasing. The complainant refused to bear any further expenses for the marriage and told petitioner no. 2 that the entire expense of marriage had to be borne by petitioners.

7. It is further submitted that when petitioners tried to visit and talk to complainant's family at Muzaffarpur on 26.09.2021, they were abused and insulted and threatened with dire consequences. Petitioners returned to Ranchi. Then petitioner No. 1 filed Complaint Case No. 1828 of 2022 in Ranchi on 15.02.2022 against complainant and his family members for offences punishable under Sections 420, 407, 384, 504, 511 and 120(B) I.P.C. Learned counsel submits that the present case has been filed by the complainant/opposite party no.2 in retaliation to the aforesaid compliant. He lastly submits that the present case is covered under category (7) of the decision of the Hon'ble Supreme Court rendered in case of **State of Haryana and others Vs. Bhajan Lal and others**, reported in **1992 Supp(1) Supreme Court Cases 335**.

8. Learned counsel for opposite party no.2, while



controverting submissions of the petitioners, submits that there are sufficient materials on the record to take cognizance of the offence against the petitioners. Moreover, at this stage, it cannot be said that no *prima facie* case is made out against these petitioners and in that view of the matter, this application is fit to be rejected.

9. Considering the rival submissions of the parties and background facts of the case, I would be inclined to agree with the submission of the learned counsel for the petitioners that the present complaint has been filed more in the nature of vendetta to teach the petitioners a lesson as well as to save their skin from the case which has been filed by petitioner no.1 against opposite party no.2 and his family members.

10. Hence, the application is allowed and the proceedings so far as the petitioners are concerned including order dated 18.7.2022, passed in connection with Complaint Case No. 1132 of 2022 giving rise to Trial No. 2824 of 2022 are hereby set aside.

(Prabhat Kumar Singh, J)

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