

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.108 of 2022

Arising Out of PS. Case No.-1222 Year-2020 Thana- VAISALI COMPLAINT CASE
District- Vaishali

=====

Santosh Kumar Singh S/O Late Baleshwar Singh R/O Mohalla- Hathsar Ganj,
Near Naka No. 3, P.S.- Town, Hajipur, Distt.- Vaishali At Hajipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Uday Kumar Siingh S/O Triloki Singh R/O Mohalla- Hathsarganj, Near
Naka No. 3, P.S.- Town Hajipur, Distt.- Vaishali At Hajipur
3. Rajmati Devi W/O Late Ajay Singh R/O Village- Govindpur Singhara, P.S.-
Mahua, Distt.- Vaishali At Hajipur

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dhananjai Kumar Singh, Advocate
For the State : Mohammad Sufiyan, APP

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 30-01-2025 The present Revision Petition has been preferred by

the petitioner against the impugned order dated 16.11.2021,

passed by learned A.C.J.M.-III, Vaishali at Hajipur in Complaint

Case No. 1222 of 2020, titled Santosh Kumar Singh Vs. Uday

Kumar Singh, whereby the complaint filed by the petitioner

against Rajmati Devi and one Uday Kumar Singh holding that

as per allegation, no offence is made out against the accused

persons.

2. The factual background of this case is that

petitioner herein/Santosh Kumar Singh filed a complaint against

Uday Kumar Singh and Rajmati Devi alleging that his wife



Lovely Singh @ Shilpy fled away with Uday Kumar Singh leaving both the children at his home saying that he has no concern with the children. It is also alleged that Uday Kumar Singh has taken his wife with ill intent.

3. After filing the complaint, the complainant and two other witnesses viz. Satish Kumar and Vaishnavi Singh were examined under Section 200 Cr.PC. During the inquiry, they have supported the statements of the complainant as made in his complaint.

4. I have heard learned counsel for the petitioner and learned APP for the State.

5. Learned counsel for the petitioner submits that as per the allegation at least Section 498 of the Indian Penal Code is made out, which provides for punishment for taking away someone's wife with intent to have illicit relationship.

6. However, learned APP for the State submits that there is no illegality or infirmity in the impugned order. The present petition is liable to be dismissed.

7. I considered the submissions of the parties and perused the material on record.

8. I find that Section 497 of the Indian Penal Code has been already declared unconstitutional by Hon'ble Apex Court.



As far as Section 498 of the Indian Penal Code is concerned, the first and foremost requirement for application of it is enticement of the married women, but there is no allegation of enticement and the complainant himself has stated that his wife left his home on her own leaving the children at his home, saying that she had no concern with the children. No active role of the petitioner has been alleged by the complainant. The wife of the complainant has left the house on her own. Hence, Section 498 of the Indian Penal Code is also not made out.

9. Accordingly, the present petition is dismissed.

(Jitendra Kumar, J.)

ravishankar/-

U		T	
---	--	---	--

