

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40750 of 2016

Arising Out of PS. Case No.-64 Year-2014 Thana- MAHILA P.S. District- Bhagalpur

Premlata Verma @ Premlata Devi, W/o Bhagwati Prasad Verma, R/O-
Mandaroja, P.S.- Kotwali (Tatarpur) District-Bhagalpur

... .. Petitioner/s

Versus

1. State of Bihar
2. Chand Verma, Wife of Rakesh Verma, resident of Mandaroja Chowk, P.S.-
Kotwali, District-Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gautam Kumar Kejriwal, Adv. Mr. Alok Kumar Jha, Adv.
For the State	:	Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

12 20-03-2025 1. The instant criminal miscellaneous petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C.') with a prayer to quash the order dated 07.04.2015 taking cognizance of the offence under Section 498A read with Section 34 of the Indian Penal Code (in short 'IPC') in connection with Bhagalpur Sadar Mahila P.S. Case No. 64 of 2014.

2. Mr. Gautam Kumar Kejriwal, learned counsel appearing for the petitioner submits that initially the instant petition was filed by two petitioners but thereafter the petitioner No. 2, father-in-law of the O.P. No.2, died and accordingly, his name was deleted vide order dated 18.01.2024 and now the



instant petition relates to the present petitioner namely, Premlata Verma @ Premlata Devi (petitioner no.1), who happens to be mother-in-law of the O.P. No. 2. The marriage of the O.P. No. 2 with the son of this petitioner took place 14 years before from the date of filing of the FIR which is an admitted position and from the marital relation between the O.P. No.2 and her husband, three children were born out, of which details has been given in the FIR itself. In the entire FIR, the informant (O.P. No. 2) did not make any specific allegation against this petitioner, who is presently 70 years old lady and all the allegations concerned to cruelty, made by the O.P. No.2 are general and omnibus against the said petitioner and admittedly the informant, daughter-in-law of this petitioner, started living separately from the petitioner and her late husband nine months before the filing of the FIR, with her husband and as per the allegation of O.P. No.2, the petitioner and her late husband occasionally visited the rented house of the O.P. No.2 where the said O.P. as well as her husband were residing, though, according to her at the said rented house she was also tortured by the accused including this petitioner but in this regard, any specific role of this petitioner has not been revealed. It is further submitted that in fact the O.P. No.2 developed some



relation with one namely, Ashish Barnwal, who oftenly visited the house of son of the petitioner in the absence of the husband of the O.P. No.2 and there was emotional attachment between the said Ashish Barnwal and O.P. No.2, on one day, the O.P. No.2 fled away with Ashish Barnwal then the husband of the O.P. No.2 lodged a 'Sanha' on 16.07.2014 at Kotwali Police Station, Bhagalpur of which copy has been filed as Annexure-2 and thereafter, the police started searching for the O.P. No.2 and the said Ashish Barnwal was caught by the police but the O.P. No.2 managed to escape and before the police Ashish Barnwal accepted his guilt and on a telephonic call made by him in the police station, the O.P. No.2 arrived at the police station and requested the police to give her a chance to improve herself and then the police directed the petitioner's son to take the O.P. No.2 back to his house and this conduct clearly shows that the O.P. No.2 herself is a lady of loose character and harassed this petitioner, her late husband and her son. It is lastly submitted that on account of behaviour and character of the O.P. No.2, the son of this petitioner filed a Matrimonial Suit for dissolving the marriage between him and the O.P. No.2 and the said case is still pending.

3. No one appears on behalf of the O.P. No.2. Though



learned APP has opposed the petition but fairly accepted that in the entire FIR there is no specific allegation against the petitioner no.1 and she is an old lady.

4. In view of the aforesaid submissions and grounds taken by learned counsel appearing for the petitioner, this court finds that the informant lodged the FIR against the petitioner with malicious intention as in the entire FIR she failed to disclose any specific role of the petitioner in harassing and committing cruelty with her and she admittedly started residing separately from this petitioner, with her husband in a rented house nine months before the lodging the FIR and in the last portion of the FIR she alleged that she had filed several complaints in respect of the cruel behaviour of the accused including this petitioner and in that matters, all the accused executed bond and prayed for forgiveness. But regarding these bonds the informant failed to give any detail and she made the defence that all the relevant documents concerned to that compromise were wiped out in the flood but the said detail is completely vague and does not appear to be reliable. Petitioner is presently 70 year old lady and in the light of the aforesaid circumstances this court is of the view that subjecting the petitioner to trial for the allegations relating to the offence



under Section 498A of IPC will be completely harassment to her and also an abuse of the process of the court so the order impugned taking cognizance of the offence under Section 498A read with Section 34 of the IPC as well as all the proceedings having arisen on account of the said cognizance order against this petitioner in connection with Bhagalpur Sadar Mahila P.S. Case No. 64 of 2014 are hereby quashed only to the extent of this petitioner and the instant petition stands allowed.

(Shailendra Singh, J)

Rajiv/-

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

AFR

