

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46507 of 2015

Arising Out of PS. Case No.-249 Year-2012 Thana- SAUR BAZAR District- Saharsa

Ashok Mehta @ Ashok Kumar Mehta son of Late Anandi Mehta resident of village Karhaiya, P.S. Saurbazar, District Saharsa.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Ragini Kumari wife of Vimal Kumar Mehta resident of village Karhaiya, P.S. Saurbazar, District Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Adv.
Mr. Brajesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

9 03-04-2025

Heard Mr. Manoj Kumar Singh, learned counsel for the petitioner and Mr. Binod Kumar No.3, learned APP for the State.

2. The instant petition has been filed under section 482 of the Code of Criminal Procedure (in short Cr.P.C.) with a prayer to quash the order dated 01.05.2013 passed by the Court of Judicial Magistrate, 1st class, Saharsa in Saur Bazar P.S. Case No. 249 of 2012, G.R. No. 1480 of 2012 by which cognizance of the offences punishable under sections 498A, 323, 324 and 307 read with section 34 of the Indian Penal Code (in short IPC) has been taken against the petitioner and other accused persons.

3. The main grounds taken by the petitioner's counsel to assail the order impugned are that the petitioner is co-villager



of the informant having no relationship with the husband and other in-laws of the informant and he has been implicated unnecessarily for the alleged occurrence, the allegation as to taking medicine from co-accused, Naresh Mehta, elder brother of the husband of the informant, by the informant is not against the petitioner rather the same is against the said co-accused, Naresh Mehta and in the entire FIR, no specific role of the petitioner in subjecting the informant to cruelty has been revealed and as per the FIR, the petitioner and other accused persons had been harassing the informant since the beginning of her marriage but the FIR was registered after 15 years of the marriage and regarding the alleged cruel behaviour that is said to have been committed by the accused persons with the informant since the time of informant's marriage, no legal action was taken by the informant regarding that harassment as in this regard there is no details in the FIR, which is sufficient to falsify the allegations levelled in the FIR, which are completely vague.

4. Though, the learned APP appearing for the State has opposed this petition but fairly accepted that in the FIR, there is no specific allegation against the petitioner.

5. Heard both the sides and perused the FIR, case diary and the impugned order.



6. This court finds substance in the aforesaid grounds taken by the petitioner's counsel as in the entire FIR, any specific role of the petitioner in committing the alleged cruel behaviour with the informant has not been revealed. The petitioner is said to be a co-villager of the informant whose marriage took place 15 years ago from the filing of the FIR and regarding the alleged cruel behaviour, which as per the informant the accused including the petitioner had been committing with her since the time of her marriage, the allegation made by the informant is completely vague and further, there is no details of any legal action on the part of the informant regarding that alleged cruel behaviour which makes the said allegation to be not believable.

7. In the light of aforesaid circumstances, in the opinion of this court, if the petitioner is subjected to the trial for the alleged offences, it would be complete harassment to him as well as abuse of the process of the court and the alleged offences do not even prima facie attract against the petitioner. Accordingly, the order impugned is hereby set aside and the instant petition stands allowed.

(Shailendra Singh, J)

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