

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15020 of 2017

Arising Out of PS. Case No.-648 Year-2015 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

-
1. Ritu Devi, wife of Late Nagendra Rai, daughter of Siya Ram Rai,
 2. Siya Ram Rai, son of Sri Basundha Rai,
 3. Tetra Devi, wife of Siya ram Rai,
 4. Gautam Rai @ Gautam Kumar Rai, son of Siya Ram Rai,
 5. Priyanka Kumari, daughter of Siya Ram Rai,
 6. Phuti Kumari @ Radha Kumari @ Phrutee Kumari, daughter of Siya Ram Rai,
 7. Sunil Rai @ Sunil Kumar Rai, son of Baduri Rai,
 8. Rekha Devi, wife of Sunil Rai,
 9. Sapna Kumari, daughter of Sunil Rai,
 10. Ramesh Rai, son of Lal Bahadur Rai,
 11. Nitu Devi, wife of Ramesh Rai, All are residents of Village- Gaudadh, P.S.- Shahpur, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kaltor Rai, son of Late Hardiwar Rai, resident of Village- Gujroo, P.S.- Kachhnwa, District- Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Sinha, Advocate
For the State	:	Mr. Chaubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 02-02-2026

I.A. No. 01 of 2023

This interlocutory application has been filed to expunge or delete the name of petitioner no. 3 namely, Tetra Devi, petitioner no. 8 namely, Rekha Devi and petitioner no.9 namely, Sapna Kumari from the array of the petitioners on account of their death.



2. The aforesaid prayer is allowed.

3. Let the names of petitioner nos. 3, 8 and 9 be deleted/expunged from the array of the petitioners.

4. Now the instant petition will be heard and decided in respect of the rest petitioners.

Cr. Misc. No. 15020 of 2017

5. The instant application has been filed under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as “Cr.P.C.”), with a prayer to quash the order dated 20.09.2016 passed by the Court of the Judicial Magistrate, 1st Class, Bikramganj, Rohtas, in Complaint Case No. 648 of 2015, T.R. No. 2629 of 2016, whereby and whereunder the cognizance of the offences punishable under Sections 323, 341, 379, 380, 354(A) and 34 of the Indian Penal Code has been taken and the petitioners have been summoned to face trial for the said offences.

6. Mr. Alok Kumar Sinha, learned counsel appearing for the petitioners, submits that O.P. No. 2, the father-in-law of petitioner No. 1, has filed the complaint case in which impugned order has been passed with a completely mala fide intention. He submits that prior to the filing of the complaint, petitioner Ritu Devi had instituted a Complaint Case No. 806C of 2015 before



the Court of the C.J.M., Ara on 05.09.2015 against O.P. No. 2 and others for the offence under Section 498A of the Indian Penal Code, wherein cognizance of the said offence was taken by the Court of the S.D.J.M., Ara. Thereafter, O.P. No. 2 filed the present complaint pursuant to which the impugned order has been passed. It is further submitted that O.P. No. 2 has implicated all the maternal family members of petitioner Ritu Devi as accused, despite the fact that petitioners Phuti Kumari @ Radha Kumari and Sapna Kumari (now deceased) were minors at the relevant time, rendering the alleged occurrence wholly unbelievable. It is also submitted that petitioner no.2 Siya Ram Rai, who was a police officer at the time of the alleged occurrence, was posted at Laukahi Police Station, Madhubani, and was present there in discharge of his official duties on the date of the alleged occurrence. In support thereof, Annexure-4, being the daily diary of the said police station reflecting the official activities of the petitioner, is on record, and Annexure-4A is the certificate issued by the then S.H.O. of Laukahi Police Station, certifying the presence of the petitioner and his family members within the premises of the police station, where his official quarter was situated at the relevant time. Lastly, it is submitted that all the allegations levelled in the



complaint by O.P. No. 2 are wholly absurd and inherently improbable, and that most of the allegations are general and omnibus in nature, having been made by way of retaliation to the case filed by petitioner Ritu Devi under Section 498A of the Indian Penal Code against her in-laws.

7. No one is present on behalf of O.P. No.2.

8. Though Mr. Chaubey Jawahar, learned APP appearing for the State, has defended the impugned order, he fairly accepts that O.P. No. 2 filed the complaint after the lodging of the case under Section 498A of the Indian Penal Code by petitioner Ritu Devi against the said O.P. No. 2 and others, and also accepts that in the entire complaint most of the allegations are general and omnibus in nature.

9. Considering the aforesaid submissions and taking into account the averments made in the present application, particularly the annexures filed by the petitioners, this Court is of the view that O.P. No. 2 filed his complaint with mala fide intention and in retaliation to a case lodged by petitioner Ritu Devi against O.P. No. 2 under Section 498A of the IPC, prior to the filing of the present complaint. The prosecution story appears wholly absurd, as some of the petitioners were minors. Further, in the entire complaint, O.P. No. 2 has failed to disclose



any specific role of most of the petitioners, and no medical evidence has been produced in support of the alleged physical assault. In my opinion, subjecting the petitioners to trial for the alleged offences, of which cognizance has been taken, would amount to a complete abuse of the process of the Court and would not serve the ends of justice. Accordingly, the impugned order, which was passed mechanically by the concerned Magistrate taking cognizance of the alleged offences, along with all criminal proceedings initiated against the petitioners pursuant to the said order, are hereby quashed, and the instant petition stands allowed.

(Shailendra Singh, J)

maynaz/-

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

