

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18989 of 2017

Arising Out of PS. Case No.-471 Year-2016 Thana- SHEKHPURA COMPLAINT CASE
District- Sheikhpura

-
1. Kumari Amrita Dayal Wife of Ajay Kumar, Director cum Protection Officer, Women Help Line, Sheikhpura, Police Station an permanent resident of Village- Ravaich, Police Station- Bakhtiyarpur, District- Patna.
 2. Farhin Nisha, Daughter of Dr. Firoz Khan, Counsellor, Mahila Help Line, Sheikhpura, Police Station and District- Sheikhpura, permanent resident of Village- Rabai, Police Station- Sikandara, District- Jamui.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Md. Guddu, Son of Late Ataul Haque, Resident of Village- Navi Nagar, Kakrar, Police Station- Ariyari, District- Sheikhpura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

8 27-07-2026 Even after due service of summons, O.P. No. 2 chose
not to appear before this Court to contest the case.

2. Heard learned counsel for the petitioners and
learned APP appearing on behalf of the State.

3. The instant application has been filed for quashing
of the order dated 18.01.2017 passed by the learned Additional
Chief Judicial Magistrate, IIIrd, Sheikhpura in Complaint Case
No. 471-C of 2016, whereby he took cognizance against the
petitioners under Sections 504, 506 and 34 of the Indian Penal
Code.



4. As per the allegation, the complainant's sister, Sahmeena Praveen, was subjected to cruelty and harassment by her husband and in-laws after her marriage in 2012. Whereupon, the complainant approached the Mahila Helpline, Sheikhpura. During the inquiry, Kumari Amrita Dayal, Project Manager, allegedly demanded illegal gratification for inquiry expenses and vehicle costs, and the complainant paid Rs. 7,000/- under compulsion. It has further been alleged that Kumari Amrita Dayal (petitioner no. 1), Farheen Nisha (petitioner no. 2), and one unknown person conducted the inquiry in a biased manner, threatened and intimidated Sahmeena Praveen, causing her mental trauma, and later abused and humiliated the complainant when she reported their misconduct to the District Programme Officer. Aggrieved by their alleged illegal demand, abuse of official position, and harassment, the complainant instituted the complaint on 18.10.2016. It has also been alleged that, after persuading the complainant to withdraw the case on the pretext that Amrita Dayal would lose her job, the complaint was dismissed on 28.11.2016. Thereafter, Amrita Dayal and Farheen Nisha allegedly again abused the complainant. Hence, the present Complaint.

5. Learned counsel for the petitioners has submitted



that the petitioners are responsible officers, posted at the Mahila Helpline, Sheikhpura and the allegations against them are false. It has further been submitted that earlier, the complainant had lodged a complaint case against the petitioners for the same offence, and that complaint was rejected due to insufficient evidence. The copy of that Complaint Case has been brought on record and annexed to this application as Annexure-2. It has further been submitted that in a case under Section 34 of the Domestic Violence Act, no proceeding or investigation has been done by the Investigating Agency. It has further been submitted that there were many proposed sections in the complaint, including Section 307 of the Indian Penal Code, but the learned Magistrate disbelieved the substantial allegations in the complaint and took cognizance under Sections 504, 506 and 34 of the Indian Penal Code. It has further been submitted that, with respect to the allegations under Sections 504 and 506 of the Indian Penal Code, it has been alleged in the solemn affirmation of the complainant that these two petitioners went to the house of the complainant and abused the sister of the informant, stating that if she lodged a case, they would force a divorce between the parties. It has further been submitted that no ingredients of Sections 504 and 506 of the Indian Penal Code is



made out, moreover, the same have been alleged to have been done within the four corners of the house.

6. Learned counsel for the petitioners has placed reliance on a judgment of the Hon'ble Supreme Court in the case of *Pramatha Nath Talukdar vs. Saroj Ranjan Sarkar* reported in *AIR 1962 SC 876*, wherein it has been stated that a second complaint after the dismissal of the first on merits is not ordinarily maintainable. It has further been submitted that the present prosecution against the petitioner is driven by malice, a personal vendetta and to spite a personal score as the same is malicious and vexatious in nature.

7. Learned APP for the State opposed the prayer of the petitioner.

8. Heard the parties and perused the records.

9. The present complaint is the second complaint against the petitioners, following the dismissal of the first one, although there were many proposed sections in the complaint including Section 307 of the Indian Penal Code, but the learned Magistrate did not believe the substantial part of the allegations and did not take cognizance of the proposed sections of the complaint. The allegations under Section 504 and 506 do not inspire confidence as the present complaint appears to be a



vexatious one and the continuation of the proceeding is an abuse of the process of the Court.

10. Accordingly, order taking cognizance dated 18.01.2017 passed by the learned Additional Chief Judicial Magistrate, IIIrd, Sheikhpura is hereby quashed.

11. Application stands allowed.

(Praveen Kumar, J)

Ankit Kumar/-

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

