

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1275 of 2019

Arising Out of PS. Case No.-104 Year-2017 Thana- MOHANIYA District- Kaimur (Bhabua)

1. Chandan Kumar Rawat, son of Late Mukteshwar Ram @ late Mukeshwar Raj Rawat
2. Sushma Devi, wife of late Mukhteshwar Ram
3. Vinay Kumar Rawat @ Vinay Kumar, son of Mukhteshwar Ram
All are the resident of village – Gouspur (Buzurga0, P.S. - Kotwali, Tahsil – Jakhania, District – Gazipur (U.P.).
4. Nitesh Rawat, son of Budhunath, resident of Village - Miyapura Koyalaghat, P.S. Kotwali , Distt.- Gazipur (U.P)

... .. Petitioners

Versus

1. The State of Bihar
2. Kavita Devi, daughter of Ram Ekwat Ram Rawat @ Balaji, resident of Village – Ahinaura, P.S. - Mohania, District – Kaimur (Bhabua), Bihar.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Jay Prakash Singh, Advocate
For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 21-07-2026

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The present application has been filed for quashing the order dated 23.12.2017 passed by learned C.J.M., Kaimur at Bhabua in connection with Mohania P.S. Case No. 104/2017, G.R. No. 469/2017, whereby learned C.J.M. pleased to take cognizance against the petitioners for the offences punishable under sections 498A/34 of the I.P.C. and 3/4 of the Dowry Prohibition Act, and ordered to issue summon against the



petitioners.

3. The brief facts of the case is that the informant/O.P. No. 2 namely, Kavita Devi alleged that she performed her marriage on 25.02.2015 with Chandan Kumar Rawat (petitioner no. 1) according to Hindu rituals and at the relevant time her husband was posted on the post of 'Fitter' in Railway. The informant further alleged that at the time of marriage, her father gifted Rs. 10 Lakhs in cash, ornaments and also other household articles etc. to her in-laws. She alleged that after marriage when she reached her matrimonial house, the petitioner no. 1 demanded one motorcycle and on denial, she was beaten and tortured by the petitioners. Thereafter, she went to her parental house and lived there for one and half year. The informant alleged that after mediation, she again visited to her matrimonial house but again beaten and tortured by her in-law members and, on 30.01.2017, they forcibly deported her to Ahinaura Mauza. When she protested, all the accused persons pulled her out from Jeep and pressed her neck and when she shouted, all the accused persons fled away, whereafter local people taken her away to her parental house.

4. In view of aforesaid allegation, FIR was instituted on 04.03.2017 for the occurrence dated 30.01.2017, where after



investigation, police submitted final form/closure report against the petitioners, but the learned Jurisdictional Magistrate, taking a different note, took cognizance against the petitioners for the offences punishable under section 498A/34 of the I.P.C. and 3/4 of the Dowry Prohibition Act.

5. It is submitted that while taking a different note against closure report, learned Jurisdictional Magistrate failed to assigned any reason. It is submitted that matter is still pending with learned trial court.

6. It is argued that present FIR was lodged in retaliation of Divorce Petition No. 147/2016, which was filed by petitioner no.1/husband against opposite party no. 2/informant, on the ground of cruelty.

7. It is submitted that allegation, as raised, against O.P. No. 2 for cruelty was approved by the learned Family Court, Gazipur, Uttar Pradesh and, thereafter, vide order dated 15.07.2022, the marriage of petitioner no. 1 was dissolved with O.P. No. 2 on the ground of cruelty as alleged to be committed by O.P. No. 2 against the petitioners. It is submitted that said judgment of divorce attained its finality as same was never challenged by O.P. No. 2 and, thereafter, both of the parties solemnized their second marriage and living happily.



8. It is submitted that in view of the aforesaid, continuing of the present proceeding would only amount to abusing of the court process and, therefore, to secure the ends of justice, the impugned order taking cognizance against petitioners, as discussed aforesaid, be quashed/set-aside.

9. Notice was duly served upon O.P. No. 2 and she is represented by learned advocate of her choice but despite of repeated calls, none appeared on behalf of O.P. No. 2 to join present proceeding.

10. In view of aforesaid factual submission and by taking note of the submission that as the marriage of petitioner no. 1 stands dissolved with O.P. No. 2 on the ground of cruelty as alleged to be committed by O.P. No. 2 herself, whereafter both parties solemnized their marriage and living happily, therefore, continuing with the present proceeding before the court of law would only amount to abuse of process of the court and, hence, this is a fit case to quash the present proceeding by exercising inherent power under section 482 of the Cr.P.C.

11. Accordingly, the impugned order dated 23.12.2017 taking cognizance, as passed by learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Mohania P.S. Case No. 104/2017, G.R. No. 469/2017, is hereby quashed/set-



aside, with all its consequential proceeding, if matter is pending with trial court.

12. This application stands allowed.

13. Let a copy of this judgment be sent to the learned trial court along with TCR, if any, forthwith.

(Chandra Shekhar Jha, J)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23-07-2026
Transmission Date	23-07-2026

