

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59820 of 2017

Arising Out of PS. Case No.-129 Year-2015 Thana- MAHILA P.S. District- Bhojpur

Gyanendra Kumar Singh @ Gyanendra Singh, Son of Late Mahesh Singh
resident of village - Ibrahimpur, P.S. - Bikram, District - Patna.

... .. Petitioner/s

Versus

1. State of Bihar
2. Raj Kumari Devi W/o Dhiraj Kumar @ Daughter of Jaideo Singh, Resident
of Village - Bakhorapur, P.S. - Barhara, District - Bhojpur Ara.
... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Narendra Kumar Sharma, Adv.
For the State	:	Mr. Suresh Prasad Singh, APP
For the O.P. No. 2	:	None.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 02-02-2026 The instant petition has been filed under Section 482 of the Code of Criminal Procedure by the petitioner, with a prayer to quash the order of cognizance dated 22.08.2016 passed by the court of learned Sub-Divisional Judicial Magistrate, Bhojpur (Arrah), in Bhojpur Arrah Mahila P.S. Case No. 129/2015, G.R. No. 3703/2015, and Tr. No. 4589/2016, by which cognizance of the offences punishable under Sections 323 and 498A read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act has been taken against the petitioner.

2. Mr. Narendra Kumar Sharma, learned counsel appearing for the petitioner, submits that the FIR of Arrah Mahila P.S. Case No. 129/2015 is based on the complaint filed



by the O.P. No. 2, a copy of which has been filed with this petition as Annexure-‘1’, and from perusal of the FIR/complaint, it is clearly evident that against the petitioner, who is the cousin father-in-law of O.P. No. 2, there is no specific allegation with regard to the offences of which cognizance has been taken. The complainant herself admitted in her complaint that she had been living at her matrimonial house since February 2012, and the complaint was filed by O.P. No. 2 in the year 2015, therefore, the allegation of continuously torturing O.P. No. 2 by the co-accused persons, including the petitioner, is completely false and unbelievable. The petitioner is separate in all respects from the family of the husband of the O.P. No. 2, as he was separated from the in-laws of O.P. No. 2 for about 40 years ago since he joined service in a bank, and he had no reason to be involved with the in-laws of O.P. No. 2 in making the alleged demand of Rs. 5,00,000/- (Rupees Five Lakhs). Though the complainant/O.P. No. 2 has made some specific allegations in her complaint, however, none of them are against this petitioner. It is lastly submitted that before the court of the learned District and Sessions Judge, Arrah, the complainant accepted her compromise with her husband, due to the said reason, she has not appeared before this Court despite notice having been served upon her.



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

4. Though Mr. Suresh Prasad Singh, learned APP appearing for the State, has opposed this petition but he fairly accepts that the petitioner is a distant relative of the husband of the O.P. No. 2 and in the FIR, there is no specific allegation against him.

5. Considering the aforesaid submissions, and mainly taking into account the facts that there is no specific allegation against the petitioner with regard to the alleged demand of money and cruelty, and the petitioner is the cousin father-in-law of the O.P. No. 2, I am of the view that subjecting the petitioner to trial for the alleged offences of which cognizance has been taken would amount to a complete abuse of the process of the court. As such, the impugned order taking cognizance of the alleged offences, to the extent of the petitioner, and the subsequent criminal proceedings initiated against the petitioner in light of the said cognizance order are hereby quashed. In the result, the instant criminal miscellaneous petition stands allowed.

(Shailendra Singh, J)

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