
(2007) 07 PAT CK 0025

In the Patna High Court

Case No : Criminal Miscellaneous No. 13816 of 2005

Sami Prasad Chaurasia and Others

APPELLANT

Vs

The State of Bihar and Another

RESPONDENT

Date of Decision : 04-07-2007

Acts Referred:

Dowry Prohibition Act, 1961 — Section 3, 4
Hindu Marriage Act, 1955 — Section 11, 13(1)(a)
Penal Code, 1860 (IPC) — Section 323, 498A

Citation : (2007) PLJR 296

Hon'ble Judges : Abhijit Sinha, J

Bench : Single Bench

Advocate : Tej Narayan Singh and Pushpa Kumari, for the Appellant; J. Upadhyaya, for the Respondent

Final Decision : Allowed

Judgement

Abhijit Sinha, J.—Heard the learned counsel for the petitioners who have been impleaded as accused in Complaint Case No. 188(C) of 2002 pending before the learned S.D.J.M., Barh wherein cognizance has been taken under sections 323 and 498A of Indian Penal Code as also sections 3/4 of Dowry Prohibition Act. Also heard the learned A.P.P. for the State. The petitioners herein happen to be relatives of the husband, Om Nath Chaurasiya @ Om Nath Prasad whose marriage with Complainant, Sanju Devi, was solemnised on 7.5.1999.

2. According to the complainant after she reached the marital home at village Goilkera Bazar within Singhbhum District her in-laws started taunting her on perusing the gifts given in marriage and they also started demanding a scooter and a colour T.V. along with the liquid cash of Rs. 35000/-. She was also threatened that she would be killed if the demanded articles were not supplied. The complaint petition also deals with the cruelty that she had been subjected to thereafter.

3. On behalf of the petitioners it has been submitted that soon after marriage it

was detected that the complainant, Sanju Devi, was forcibly married to one Ramdeo Chaurasiya some 15 years back and that that husband had not accepted her and had thrown her out from the house where after she was made to marry Om Nath Chaurasiya. It has also been submitted that in view of the information received the husband, Om Nath Chaurasiya had filed Matrimonial Suit No. 14 of 1999 under sections 11 and 13 (1) (a) of the Hindu Marriage Act and the same was decreed vide order dated 16.7.2003. A copy of the order has been annexed as Annexure-3 to the application. It has further been submitted that Om Nath Chaurasiya, the husband had filed Cr. Misc. No. 410/04 for quashing the entire proceeding in Complaint Case No. 188 (C) of 2002 and by order dated 18.4.2006 passed by Hon"ble Mr. Justice Navin Sinha the entire criminal proceeding in Complaint Case No. 188 (C) of 2002 was quashed.

4. Through the instant application the petitioners who happen to be the relatives of the husband have sought similar benefits and to my mind in view of the Annexure-3 as also the order passed in Cri. Misc. No. 410/04 the petitioners are entitled to the same reliefs. Accordingly, the application is allowed. The entire proceeding in Complaint Case No. 188(C) of 2002 under sections 498A and 323 of I.P.C. as also sections 3/4 of Dowry Prohibition Act pending before the learned Sub-Divisional Judicial Magistrate, Barn are accordingly quashed.