

(2020) 01 PAT CK 0383

In the Patna High Court

Case No : Criminal Miscellaneous No. 70155 Of 2018

Shurendra Trivedi And Anr

APPELLANT

Vs

State Of Bihar And Anr

RESPONDENT

Date of Decision : 29-01-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 498A
Dowry Prohibition Act, 196 — Section 4

Citation : (2020) 01 PAT CK 0383

Hon'ble Judges : Birendra Kumar, J

Bench : Single Bench

Advocate : Nachiketa Jha, Shyam Kumar Singh, Soni Shrivastava, Madhuri Kumari

Final Decision : Allowed

Judgement

Heard the parties.

This application under Section 482 Cr.P.C. is for quashing of the order dated 20.01.2018 whereby the learned Sub-Divisional Judicial Magistrate, Begusarai has taken cognizance against the petitioners and one more co-accused for the offences under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act in connection with Complaint Case No. 499 of 2017.

Petitioners are parents of Shivam Kumar, the husband of the complainant. By the same order, the court below did not take cognizance against other family members on identical material disclosed in the complaint petition and statement on oath of the complainant as well as in the evidence of enquiry witnesses.

Learned counsel for the petitioners submits that the petitioners have no concern with the dispute between two spouse and for that reason false case of demand of dowry and torture has been lodged after a year of the marriage.

Learned counsel for the complainant (opposite party no.2) submits that specific

allegation is there against the petitioners in Para-11 and 16 of the complaint petition and in Para-5 of the statement on oath of the complainant. In the aforesaid paragraph, complainant has stated that on one occasion, the petitioners had also asked her to call her father on telephone to fulfill the demand and on another occasion kerosene oil was poured on her body to burn her, however no one succeeded on alarm of the complainant.

In the case of Shiv Jee Rai vs. The State of Bihar & Anr. Reported in 2013 (3) PLJR 139, a Bench of this Court was confronted with similar factual position and the Bench considered the judgment of the Hon'ble Supreme Court in the case of Preeti Gupta and Another vs. State of Jharkhand and Another reported in A.I.R. 2010 SC 3363 and in the case of Geeta Mehrotra and Another vs. State of U.P. and Another passed in Criminal Appeal No. 1674 of 2012 and observed that it is a matter of common knowledge that exaggerated versions of the incident are reflected in a large number of complaints arisen out of matrimonial dispute. The tendency of over implication has become affair of the day and unfortunately at the time of filing of the complaint the implications and consequences are not properly visualised by the complainant that such complaint can lead to insurmountable harassment, agony and pain to the complainant, accused and his close relations.

No doubt the complainant has made averment in the complaint petition against the petitioners also who are old parents of the husband. Prosecution of the petitioners would not serve any purpose rather would come in the way of restitution of conjugal life, if any such chance arises in future. The main dispute is between the husband and the wife.

Considering the entire facts as well as the ratio decided in the above noted cases, in my view, the criminal prosecution of the petitioners would amount to abuse of the process of the Court.

Hence, impugned order is hereby quashed against the petitioners only and this application stands allowed.