

Ram Vinay Singh and ors Vs. the State of Bihar and anr

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Court : Patna

Decided On : Aug-20-2013

Appellant : Ram Vinay Singh and ors

Respondent : The State of Bihar and anr

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Miscellaneous
No.73 of 2008

===== 1. Ram
Vinay Singh, son of late Laxmi Singh 2. Urmila Devi, wife of Ram Vinay Singh 3.
Kitti Kumari, daughter of Ram Vinay Singh All are residents of village Maglapur,
Patni, P.S. Ramgarhwa, Distt. East Champaran. Petitioner/s Versus 1. The
State of Bihar 2. Chandrajeet Rao, son of late Jagarnath Rao, resident of village -
Sikarpur, P.S. Sikta, Distt. West Champaran. Opposite Party/s
=====

Appearance : For the Petitioner/s : Mr. Anil Kumar, Adv. Mr. Madanjeet Kumar,
Adv. For the State : Mr. R.B. Roy R, A.P.P. For the Opposite Party No. 2: Mr.
Umesh Chandra Verma, Adv.

===== CORAM:
HONOURABLE JUSTICE SMT. ANJANA PRAKASH ORAL

JUDGMENT

Date:

20. 08-2013 Anjana Prakash, J: Heard learned counsel for the Petitioners and the State.

2. The Petitioners seek quashing of the entire proceeding including the order of cognizance dated 23.8.2007 passed by the Sub Divisional Judicial Magistrate, Raxaul at Motihari in Complaint Case No. 187 of 2007, Trial No. 2337 of 2007.

3. The case of the Complainant is that his daughter was married with the son of the Petitioners No. 1 and 2 but unfortunately, he died on 24.4.2007. On getting this information, he immediately, rushed there but the accused persons started to demand a certain amount of money for keeping his daughter and hence present Complaint. Patna High Court Cr.Misc. No.73 of 2008 dt.20-08-2013 2/2 4. It appears that after due investigation, the case ended in a Final Report but a protest petition was filed which was treated as a Complaint.

5. The submission of the Petitioners is that after the death of the son of the Petitioners, the Complainant started to demand money which had been spent during the marriage and when they failed to return the same, the present Complaint was filed. In fact just to harass them, a case under Sections 328 and 302 for murder was also instituted by the Complainant which was found false.

6. Under these circumstances, the present Complaint is an abuse of the process of the Court and fit to be set aside.

7. On the other hand the counsel for the Opposite Party No. 2 submits that since his daughter has not been permitted to live in the house of the in-laws, they should be prosecuted.

8. In the background facts, I am unable to convince myself as to the veracity of the allegations contained in the Complaint petition and, hence, proceed to quash the present proceeding.

7. In view of such, the application is allowed and the entire proceeding including the order of cognizance dated 23.8.2007 passed in Trial No. 2337 of 2007 arising out of Complaint Case No. 187 of 2007 passed by the Sub Divisional Judicial Magistrate, Raxaul at Motihari is, hereby, quashed. (Anjana Prakash, J.) Patna

High Court, Patna Dated, the 20th August, 2013 NAFR/S.Ali

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