

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.39563 of 2016

Arising Out of PS. Case No.-2679 Year-2015 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. Dr. Rajiv Ranjan Singh, Son of Ramni Mohan Singh
2. Bulbul Devi @ Bulbul Singh, wife of Dr. Rajiv Ranjan Singh
3. Ramni Mohan Singh Son of Late Bhuneshwar Prasad Singh
4. Maharani Devi, wife of Ramni Mohan Singh
5. Dr. Deepak Kumar Singh, Son of Ramni Mohan Singh
6. Shravan Kumar Singh, son of Ganesh Prasad Singh, All Resident of village-
Pakarian, P.S.- Sambhuganj, District-Banka

... ... Petitioner/s

Versus

1. The State of Bihar
2. Mimmy Kumari Wife of Dr. Rahul Ranjan Singh, Daughter of Shri Vimal Kumar
Singh, At Present resident of Quarter No. 221, C.D. Workshop Road,
Purv Colony, P.S. - Jamalpur, Dist.- Munger

... ... Opposite Party/s

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Code of Criminal Procedure---section 482, 245---Indian Penal Code---section 498A--- Hindu Marriage Act---section 9---petition to quash impugned orders whereby cognizance was taken for offence u/s 498A IPC and discharge petition filed by Petitioners was rejected--- the allegations levelled by O.P. no-2 mainly revolved around her husband and the main grievance raised by her is concealment of mental illness of her husband by the petitioners prior to the marriage--- O.P. No. 2 did not reveal any specific role of the petitioners in the allegations as to demanding of money and other cruelty allegedly done to her, so, her allegations remained completely general and omnibus against the petitioners----it is an admitted position that after the marriage, the O.P. No. 2 lived in the company of her husband at her in-laws' house only for 10-15 days and in such a short period of time, it would be very difficult for a bride to understand the nature and behaviour of her groom and her in-

laws and it appears that on account of some unusual behaviour of the husband of the O.P. No. 2, which was not liked by the O.P. No. 2, she left the company of her husband and proceeded to file a complaint when her husband filed a matrimonial suit for restitution of conjugal life--- O.P. No. 2 filed her complaint case with malice intention only in retaliation, so, putting the petitioners to face trial for the offence under section 498A of IPC will be completely an abuse of the process of the court--- the stated fact is not sufficient to attract even prima facie the offence under section 498A of IPC against the petitioners--- impugned orders set aside---petitioners discharged from all the allegations levelled by the complainant---petition allowed.

(Para 5)

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Appearance :

For the Petitioner/s

:

Mr. Ravindra Kumar, Adv.
Mr. Rakesh Kumar Sinha, Adv.
Ms. Devyani Shekhar, Adv.

For the State

:

Mr. Dr. Kumar Uday Pratap, APP

For the O.P. No.2

:

Mr. Sanjeev Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

11

30-01-2025

Heard Mr. Ravindra Kumar, learned counsel for the petitioners, Mr. Dr. Kumar Uday Pratap, learned APP for the State and Mr. Sanjeev Kumar, learned counsel for the O.P. No. 2.

2. The present criminal miscellaneous petition has been filed under section 482 of the Code of Criminal Procedure (in short ‘Cr.P.C.’) with a prayer to quash the order dated



12.08.2016 passed by the learned Sub-Divisional Judicial Magistrate, Bhagalpur (in short 'SDJM Bhagalpur') in connection with Complaint Case No. 2679 of 2015, whereby and whereunder the learned SDJM has taken cognizance of the offence under section 498A of the Indian Penal Code (in short 'IPC') against the petitioners and consequently, they have been summoned for the said offence. Later on, an interlocutory application bearing No. 01 of 2024 has been filed with an additional prayer to set aside the order dated 08.01.2024, passed by learned SDJM, Bhagalpur, rejecting the petitioners' prayer for discharge. It is important to mention that after filing this petition, the petitioner No. 4, namely, Maharani Devi died, so, her name was deleted from the cause Title of the instant petition vide order dated 11.03.2024.

3. Learned counsel appearing for the petitioners submits that among the petitioners, petitioner Nos. 1, 2 and 3 are father-in-law, mother-in-law and grandfather-in-law respectively of the O.P. No. 2, petitioner No. 5 is an uncle of the husband of the O.P. No. 2 and petitioner No. 6 is co-villager of other petitioners and against all these petitioners, there is no specific allegation and the O.P. No. 2 has made general and omnibus allegation against them and as per prosecution, the petitioner



No. 6 simply played the role of mediator in marriage talk between the O.P. No. 2 and her husband. After the marriage, the O.P. No. 2 resided in the company of her husband at her in-laws' house only for some days and it is unbelievable that in that short span of period of residing of the O.P. No. 2 with her in-laws, the petitioners could have tortured her or committed any wrong with her attracting an offence under section 498A of IPC. In fact, the O.P. No. 2 deserted her husband after residing in his company only for ten days just after the marriage and during that short period of stay, the conduct of the O.P. No. 2 was not normal at her matrimonial house and thereafter, the husband of the O.P. No. 2 tried his best by making several requests to bring the O.P. No. 2 back but she was not ready to live with him at Varanasi rather she made a unreasonable demand of Rs. 2,00,000/- (Rupees Two Lakhs) and abused her husband when he tried to bring the O.P. No. 2 back at his house and these circumstances developed a sense of frustration in the husband of the O.P. No. 2 and finally, he committed suicide. Learned counsel further submits that the husband of the O.P. No. 2 had filed a matrimonial case No. 316/2015 in the family court, Bhagalpur before committing suicide in which the O.P. No. 2 appeared but her behaviour did not remain cordial and she made



frivolous allegations and grounds for rejecting her husband's prayer for restitution of conjugal life. It is further submitted that the instant case is based on complaint filed by the O.P. No. 2 in which several incidents have been narrated by the O.P. No. 2 but all the incidents revolved only around the husband of the O.P. No. 2 and any specific role of any of these petitioners in the commission of the alleged demand of money or cruelty has not been revealed, though the O.P. No. 2 gave the details of some cheques but all the cheques related to the period prior to the marriage. The O.P. No. 2 mainly made the allegation in her complaint that her husband was mentally ill and suffering from Epilepsy disease which was concealed by the petitioners with her and her parents. But in support of this allegation, no any documentary evidence was given by the O.P. No. 2 except her bald statement. Learned counsel further submits that the husband of the O.P. No. 2 was a meritorious student and he was selected on the post of Probationary Officer (P.O.) in Syndicate Bank and he was also having a Ph.D. degree in commerce by TMB University and did MBA from Amity University, Noida and in this regard, supplementary affidavit with relevant documents has been filed. It is further submitted that before the trial court while recording the statement before framing of



charge, the complainant (O.P. No. 2) stated that she wanted to take divorce and had no intention to file the case against the petitioners but as they had filed a case, so, she was forced to file a case. By this stated fact, one thing is quite clear that the O.P. No. 2 filed her case in retaliation. Learned counsel further submits that if the petitioners are subjected to trial then it would be an abuse of the process of court as the O.P. No. 2 has filed her case with malice intention and the prayer of these petitioners is covered by the principles laid down by the Hon'ble Apex Court in the case of State of Haryana and Ors. vs. Bhajan Lal and Ors. reported in 1992 Supp (1) SCC 335, in which it was ruled that where a criminal proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view of harassing him due to private and personal grudge then such proceeding should be quashed.

4. On the other hand, learned counsel appearing for the O.P. No. 2 has vehemently opposed this petition and submitted that the petitioners have destroyed the matrimonial life of the O.P. No. 2 as she was married to a person who was not mentally fit and the same was concealed by the petitioners from her as well as her family members. In the marriage of the O.P. No. 2, a huge amount of money was spent by her parents



and the father of the O.P. No. 2 fulfilled all the legitimate and illegitimate demands of the petitioners only with a view to make the married life of the O.P. No. 2 happy but things went wrong and from the factum of suicide of the husband of O.P. No. 2, it clearly transpires that the husband of the O.P. No. 2 was suffering from mental disease and it was not possible for the O.P. No. 2 to obtain the relevant papers concerning her husband's mental illness and there is sufficient material to proceed with the offence under section 498A of IPC against the petitioners and the orders impugned taking cognizance of the said offence as well as rejecting the discharge prayer of the petitioners have been rightly passed.

5. Heard both the sides and perused the orders impugned. The instant matter is based on the complaint filed by the O.P. No. 2 against the petitioners. In the complaint, the O.P. No. 2 described the entire allegations in elaborate manner but all the allegations levelled by her mainly revolved around her husband and the main grievance raised by her is concealment of mental illness of her husband by the petitioners prior to the marriage. In the light of the aforesaid documents filed by the petitioners with their supplementary affidavit, it is clearly evident that the husband of O.P. No. 2 was a meritorious person



as he was highly educated and got a job on the post of P.O. in a reputed bank and also, his research paper was published, which in general course, is not possible for a mentally ill person. The O.P. No. 2 did not reveal any specific role of the petitioners in the allegations as to demanding of money and other cruelty allegedly done to her, so, her allegations remained completely general and omnibus against the petitioners. Here, it is important to mention that the husband of the O.P. No. 2 firstly filed a matrimonial suit under section 9 of the Hindu Marriage Act and thereafter, the complaint was filed by the O.P. No. 2 against the petitioners and while recording the statement before framing of charge, the O.P. No. 2 clearly stated that she did not want to file a case rather she wanted to take divorce but against her, a case had been lodged by her husband, so, she had to file the case. By this stated fact, it appears that the O.P. No. 2 filed her case in retaliation and while recording her statement, she did not reveal any act of the petitioners showing their specific involvement in the alleged cruel behaviour and she simply stated that at the time of reception of her marriage, the conduct of her husband was not good as he used to cry and when she returned back to her parents' house then her husband brought her back at Jamalpur and asked her that he would leave his



service. While recording that statement against the petitioners, the O.P. No. 2 simply revealed that the family members of her husband made pressure upon her to ask her husband to leave his service. The stated fact is not sufficient to attract even *prima facie* the offence under section 498A of IPC against the petitioners. Here, it is relevant to mention that it is an admitted position that after the marriage, the O.P. No. 2 lived in the company of her husband at her in-laws' house only for 10-15 days and in such a short period of time, it would be very difficult for a bride to understand the nature and behaviour of her groom and her in-laws and it appears that on account of some unusual behaviour of the husband of the O.P. No. 2, which was not liked by the O.P. No. 2, she left the company of her husband and proceeded to file a complaint when her husband filed a matrimonial suit for restitution of conjugal life. In view of these circumstances appearing from the above discussed facts, this Court is of the considered view that the O.P. No. 2 filed her complaint case, in which the impugned orders have been passed, with malice intention only in retaliation, so, putting the petitioners to face trial for the offence under section 498A of IPC will be completely an abuse of the process of the court and in view of the evidences which were taken by the learned



Magistrate before framing of charge, no offence under section 498A of IPC even *prima facie* is made out against the petitioners and they are entitled to be discharged from all the allegations and the learned Magistrate did not exercise the power conferred upon him under section 245 of Cr.P.C. in proper manner. As such, both the impugned orders are hereby set aside and the petitioners are discharged from all the allegations levelled by the complainant. In result, the instant petition stands allowed.

(Shailendra Singh, J)

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