

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.247 of 2023**

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1. Ram Lakhan Ram, aged about 64 years, S/o Lt. Rita Ram
 2. Panpati Devi aged about 61 years, wife of Ram Lakhan Ram
Both resident of New Area Ward no. 4, village- Chapardaga,
PO- Bhikhahi, PS- Garhwa, District- Garhwa (Jharkhand)
 3. Manoj Ram @ Manoj Kumar, aged bout 38 years, s/o Ram
Lakhan Ram
Resident of New Area Ward no. 4, village- Chapardaga, PO-
Bhikhahi, PS- Garhwa, District- Garhwa (Jharkhand) and
presently residing at c/o Umashankar Baitha, P.O. + P.S.-
Kharaundi, District- Garhwa (Jharkhand)

... Petitioners

Versus

1. The State of Jharkhand
2. Suman Kumari, w/o Late Ajay Kumar Bharti and D/o Ramji
Ram, R/o village- Lahsuniya, PO- Sua, PS- Medninagar,
District- Palamau, (Jharkhand)

... Opposite Parties

For the Petitioners : Mr. Amit Kumar Das, Advocate
For the State : Mr. Vineet Kr. Vashistha, Spl.P.P.
For the O.P. No.2 : Mr. Sheo Kumar Singh, Advocate

PRESENT

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:- Heard the parties.

2. This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 482 of the Code of Criminal Procedure with the prayer to quash the entire criminal proceeding in connection with Complaint Case No. 1397 of 2021 including the order dated 11.11.2022 passed by the learned Judicial Magistrate-1st Class,

Palamau whereby and where under the learned Judicial Magistrate-1st Class, Palamau has found *prima facie* case for the offences punishable under Sections 498A, 354 and 506 of the Indian Penal Code against the petitioner No.3 and found *prima facie* case for the offence punishable under Section 498A of the Indian Penal Code against the petitioner No.1 and 2.

3. Learned counsel for the petitioners submits that the case is next fixed on 07.05.2026 for evidence before charge and charge has not yet been framed in this case.

4. At the outset, the learned counsel for the petitioners seeks permission of this Court to withdraw the prayer made in this Criminal Miscellaneous Petition of the petitioner no.3 with liberty to raise all the grounds taken in this Criminal Miscellaneous Petition before the appropriate court at the appropriate stage.

5. Accordingly, the prayer made in this Criminal Miscellaneous Petition on behalf of the petitioner No.3 is dismissed as withdraw with the aforesaid liberty.

6. So far as the petitioner No.1 and 2 is concerned, learned counsel for the petitioners submits that the only allegation against the petitioner No.1 and 2 is that after the death of the husband of the complainant-opposite party No.2, the petitioner No.1 and 2 taunted the complainant-opposite party No.2 by saying that she has eaten up her husband and made her to do all the household chores.

7. Learned counsel for the petitioners relies upon the judgment of this Court in the case of **Pushendra Kumar Singh @ Puspendra Kumar Singh @ Pushendra Singh vs. The State of Jharkhand &**

Another passed in Cr.M.P. No. 241 of 2024 and submits that in the facts of that case, this Court in para-7 thereof, has referred to the essential ingredients to constitute the offence punishable under Section 498A of the Indian Penal Code. Learned counsel for the petitioners next submits that even if the entire allegations made against the petitioner No.1 and 2 are considered to be true in their entirety, still the offence punishable under Section 498A of the Indian Penal Code is not made out against the petitioner No.1 and 2. Hence, it is submitted that the prayer as prayed for in this Criminal Miscellaneous Petition be allowed in respect of the petitioner No.1 and 2 of this Criminal Miscellaneous Petition.

8. Learned Spl.P.P. appearing for the State and the learned counsel for the opposite party No.2 on the other hand vehemently oppose the prayer of the petitioner No.1 and 2 made in this Criminal Miscellaneous Petition and submit that if the entire allegations made in the complaint, the statement of the complainant on the solemn affirmation and the statement of the inquiry witnesses are considered to be true in their entirety, then the offence punishable under Section 498A of the Indian Penal Code is made out against the petitioner No.1 and 2. Hence, it is submitted that this Criminal Miscellaneous Petition, being without any merit, be dismissed.

9. Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, it is pertinent to mention here that there is no allegation against the petitioner No.1 and 2 that the petitioner No.1 and 2 indulged in any willful conduct as was likely to drive the complainant-opposite party

No.2 to commit suicide or to cause danger to the life, limb or health, mental or physical. There is no allegation against the petitioner No.1 and 2 of having caused harm to the complainant-opposite party No.2 to coerce her to meet the unlawful demand.

10. Under such circumstances, this Court is of the considered view that even if the entire allegations made against the petitioner No.1 and 2 are considered to be true in their entirety, still the offence punishable under Section 498A of the Indian Penal Code is not made out against them. Hence, the continuation of the criminal proceeding against the petitioner No.1 and 2 will amount to abuse of process of law. Therefore, this is a fit case where the entire criminal proceeding in connection with Complaint Case No. 1397 of 2021 including the order dated 11.11.2022 passed by the learned Judicial Magistrate-1st Class, Palamau in the said case, be quashed and set aside so far as it relates to the petitioner No.1 and 2.

11. Accordingly, the entire criminal proceeding in connection with Complaint Case No. 1397 of 2021 including the order dated 11.11.2022 passed by the learned Judicial Magistrate-1st Class, Palamau in the said case, is quashed and set aside so far as it relates to the petitioner No.1 and 2.

12. In the result, this Criminal Miscellaneous Petition is allowed to the aforesaid extent only.

(Anil Kumar Choudhary, J.)