

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33321 of 2012

Arising Out of PS.Case No. -58 Year- 2012 Thana - Baikunthpur
District- GOPALGANJ

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1. Ranjan Prasad Bhakta @ Ram Ranjan Prasad S/O Late Ganesh Bhakta
Resident Of Village- Bhiriya Tola Narayanpur, Police Station- Marhowrah, District-
Saran At Chapra

.... Petitioner/s

Versus

1. The State Of Bihar
2. Durgawati Bhagat W/O Pradeep Bhagat, D/O Lalan Bhagat Resident Of Village-
Pyarepur, P.S.- Baikunthpur, District- Gopalganj

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh
For the State : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 27-03-2015

Heard learned counsel for the parties.

Vide order, dated 06.08.2012, passed by the
learned court of Shri S. K. Singh, Chief Judicial
Magistrate, Gopalganj, cognizance has been taken
against the petitioner in Baikunthpur P. S. Case No. 58
of 2012 (G. R. No. 1089 of 2012) under sections 498 A,
406 and 323/34 of the I.P.C., read with section 3 and 4
of the Dowry Prohibition Act.

Submission of the counsel for the petitioner is
that it is a case of malicious of false allegation and
prosecution, because a reading of the complaint will
indicate that the entire family, even distant relations,

have been roped in, by alleging things in generality and nothing in specific. The present petitioner happens to be the brother-in-law of the complainant (Nandoi), i.e., the husband of husband's sister, which by itself indicates that merely because he is married in the family, to put additional pressure upon the family, names of the present petitioner has also been included in the complaint.

It is also the stand that very recently the Hon'ble Supreme Court has taken a very grim view of such cases and it has even opined that instances of false accusation and filing of false cases under section 498A I.P.C. has been nagging many innocent persons in the country and, therefore, such issues must be very closely examined and looked into.

The petitioner also happens to be a practicing lawyer, enrolled at Chapra Bar and a respectable member of society.

The Court has gone through the complaint in its entirety. Except for the reference of the petitioner that he was also one of the persons, who participated in the marriage ceremony, nothing specific against him has been alleged to link him with the offences, for which cognizance has been taken against him. Generality of allegation may not do, unless something more specific is



alleged against the petitioner.

In view of the same, the order taking cognizance, dated 06.08.2012, in connection with Baikunthpur P. S. Case No. 58 of 2012 (G. R. No. 1089 of 2012), against the petitioner is hereby quashed. It goes without saying that if during course of the trial, any material or evidence does arise, there are adequate remedy available within the Code of Criminal Procedure in this regard.

Quashing application is allowed.

(Ajay Kumar Tripathi, J.)

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