

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 19876 of 2015

Arising Out of PS.Case No. -922 Year- 2013 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

- =====
1. Paras Nath Singh S/o- Late Lakhan Singh
 2. Malti Devi W/o- Parash Nath Singh
 3. Suresh Singh S/o- Parash Nath Singh
 4. Priti Singh, W/o- Suresh Singh
 5. Rajesh Kumar @ Ajgar Singh, S/o- Parash Nath Singh, All 1 to 5 are R/o Vill.- Sidhiya Ghat, P.S.- Bodhgaya, District- Gaya
 6. Kanchan Dei @ Kanchan Singh, W/o- Jay Singh
 7. Jay Singh S/o- Late Munni Singh, both 5 to 6 are R/o- Vill- Daharia Bigha, P.S.- Bodhgaya, Dist- Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. Bharti Kumari, D/o- Badri Prasad Singh R/o- Village- Sokahara- 2, P.S.- Phulwaria, District- Begusarai

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL JUDGMENT

Date: 31-07 -2015

Heard learned counsel for the petitioners as well as learned

Additional P.P for the State.

At the time of negotiation of marriage, the accused persons insisted for Rs. 4 lacs more particularly the father-in-law Paras Nath Singh, as well as Suresh Singh, the elder brother of the husband of complainant namely, Gyan Singh and because of the fact that there was persistent pressure having been exerted, lastly a sum of Rs. 1,95,000/- was deposited in Account No. 10648306857 standing in



the name of Suresh Singh. Although an assurance was given by the parents of complainant that remaining amount will also be made available, they failed and on account thereof, even after solemnization of marriage 'vidae' could not effect. Begging on that very score by the parents of complainant, lastly the accused persons effected 'vidae' with a warning that remaining amount should be paid within shortest span of time. However, being failed ultimately misfortune happened to be with the complainant who was lastly ousted on 28.04.2012. It has further been averred that during intermediary period, complainant was subjected to torture.

Manifold arguments have been raised on behalf of the petitioners to challenge the order of cognizance taken up by the learned Court below of offences punishable under Sections 498A, 379,34 of the IPC as well as 3/4 of the Dowry Prohibition Act and further summoning the petitioners including other. The first and foremost argument happens to be that all the petitioners happen to be relative of her husband that means to say father-in-law, mother-in-law, brother-in-law and sister-in-law and on account of omnibus allegation, they should not have been summoned. It has further been submitted that in a case under Section 498A of the IPC, the other family members are intentionally implicated in revengeful manner and on account thereof, the Hon'ble Apex Court times without number has



held that whenever there happens to be an omnibus allegation against other family members, criminal prosecution should not be allowed to survive relating to them. Apart from this, it has also been submitted that for declaring the marriage null and void, the husband had launched a suit under Section 12 of the Hindu Marriage Act bearing Title Suit No. 161 of 2011. It has also been submitted that after coming to know about institution of case, in 2013, criminal case has purposefully been filed against husband as well as his family members.

Learned Additional P.P. opposes the same.

Had there been it a complaint case carrying omnibus allegation, certainly there would have been, acceptance of submission made on behalf of petitioners in the background of judicial pronouncement made by the Apex Court. Apart from the fact that petitioners, in the background of institution of a case in the year, 2011 at the end of her husband would have also given a good ground for quashing the order impugned. But from the conduct of the petitioners itself as is evident from the averments of the complaint petition as well as keeping mum on that very score proscribe the petitioners to challenge the order impugned as petitioners have not been able to explain how Rs. 1,95,000/- was deposited in the account of Suresh Singh, who is one of the petitioners and that, certainly protrude the

illegal activities of the petitioners including others.

In the aforesaid facts and circumstances of the case and further taking into account the conduct of the petitioners, keeping silence could not exonerate themselves from the liability which they shared, during course of negotiation being head, as well as member of the family. That being so, for the present, I do not see it a fit case wherein there should be exercise of Section 482 Cr.P.C to quash the order impugned.

Accordingly, this application is rejected.

(Aditya Kumar Trivedi, J)

Prakash/-

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