

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48059 of 2012

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1. Sunita Devi W/O Late Sidhnath Lal, R/O Village - Sonversha, P.S. Sonversha, District - Buxar

2. Rekha Kumari @ Rekha Lal D/O Late Sidhnath Lal R/O Village - Sonversha, P.S. Sonversha, District - Buxar

.... Petitioner/s

Versus

1. The State Of Bihar

2. Santoshi Devi W/O Om Prakash Srivastava @ Munna, D/O Siya Ram Lal R/O Village - Thori Pandeypur, P.S. Murar, District - Buxar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Digvijay Kumar Ojha, Advocate

For O.P.No.2 : Mr. Raghunandan Kumar Singh, Adv.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 28-07-2015 Heard learned counsel for the petitioners, learned counsel for O.P.No.2 as well as learned Additional Public Prosecutor.

It happens to be a family feud and in the aforesaid background, there happens to be cognizance of an offence punishable under section 498A, 406 of the Indian Penal Code as well as Section 4 of the Dowry Prohibition Act.

Petitioners are mother-in-law as well as un-married sister-in-law.

The Apex Court times without number has held that whenever there happens to be an omnibus allegation subsists in vagueness then in that event, the case of other family members, should be quashed because of the fact that their complicity out of vengeance as well as in revengeful manner, cannot be ruled out.

Though much emphasis has been made on behalf of the petitioners that husband is liable and for that he be prosecuted

for his conduct in the background of the fact that whenever petitioner's no.1-husband came to know about the lecherous activity of his son, he rushed to Kolkata to have the matter duly pacified. However, got himself involved in a case instituted at the instance of Chandra Kala Sharma (Annexure-2). It has also been submitted that out of shock, petitioner's no.1-husband died. That being so, it is a fit case wherein order of cognizance relating to both the petitioners is fit to be quashed.

Learned Additional Public Prosecutor opposes the prayer.

Gone to the record. From the complaint (Anneuxre-1), it is evident that there happens to be specific allegation against the petitioners Sunita Devi as well as Rekha Kumari @ Rekha Lal who have forcibly caught hold heir of complainant and then, threw her on ground forbidden her to enjoy use of house-hold articles in the background of non-fulfilment of demand of dowry in lieu of motorcycle, as well as they also stated that her husband will be married with Chandra Kala Sharma at Kolkata. From the S.A. it is also apparent that same kind of narration has been respondent-iterated.

That being so, there happens to be specific allegation attributed against these two petitioners when thereupon, instant petition is found devoid of merit and accordingly, rejected.

(Aditya Kumar Trivedi, J)

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