

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31634 of 2015

Arising Out of PS.Case No. -423 Year- 2013 Thana -PHULWARI District- PATNA

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1. Saryu Prasad Sinha @ Saryug Prasad Singh son of Late Gajo Prasad Sinha.
 2. Janki Devi wife resident of Mohalla- Adarsh Nagar, Road no.3, P.O.- Phulwari Sharif, P.S.- Phulwari Sharif, Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ariti Kumara C/o. Rakesh Kumar Alibu Engineer Store, Naya Tola Mujafarpur, Mob. no. 9431460182

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Govind Mishra, Advocate
For the Opposite Party/s : Mr. Arun Kumar Singh-5, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 15-07-2016

Heard learned counsel for the petitioners and learned counsel for the State.

2. At the outset, it is submitted that during the pendency of the application the petitioner no.1, namely, Saryu Prasad Sinha has died. In that view of the matter, learned counsel for the petitioners seeks leave to withdraw the application as far as petitioner no.1 is concerned.

3. Leave is granted. The application, so far as petitioner no.1, namely, Saryu Prasad Sinha is concerned, is disposed of as withdrawn.

4. By invoking the inherent jurisdiction of this Court under



Section 482 of the Code of Criminal Procedure (for short 'CrPC'), the petitioner Janki Devi seeks quashing of the order dated 28.2.2015 passed by the learned Judicial Magistrate, 1st Class, Patna in Phulwari Sharif P.S. Case No.423 of 2013 by which he has taken cognizance against the petitioners and one another and issued summons against them to face trial for the offence punishable under Section 498A/34 of the Indian Penal Code (for short 'IPC').

5. It is submitted by the learned counsel for the petitioner that the petitioner Janki Devi is mother-in-law of the informant, who has launched a false prosecution. She has made general, vague and omnibus allegation in the FIR implicating her husband and in-laws and in view of number of judgments passed by the Hon'ble Supreme Court, the prosecution on the basis of vague allegation under Section 498A of the IPC would not be maintainable against the in-laws.

6. I have heard learned counsel for the sole contesting petitioner, perused the FIR and the impugned order passed by the court below. From perusal of the FIR itself it would transpire that the informant was being humiliated, harassed and tortured in her matrimonial home in various ways by the husband and in-laws. The allegations made in the FIR were duly investigated by the police and the police found the allegations to be true and submitted a report under Section 173(2) of the CrPC before the jurisdictional Magistrate.

The jurisdictional Magistrate having perused the materials available on record including statements of the witnesses recorded under Section 161(3) CrPC found the case to be true against the petitioner and others and summoned them to face trial.

7. The submission made by the petitioner that there is vague allegation is also without substance. There is specific allegation in the FIR that the in-laws also abused, humiliated and harassed the informant of the case.

8. In that view of the matter, I do not find any illegality in the order impugned. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	
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