

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19405 of 2014

Arising Out of PS.Case No. -1818 Year- 2011 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

- =====
1. Naraian Sah @ Narayan Sahu Son of Late Ram Prasad Sah
 2. Shankar Sah @ Shankar Kumar Son of Narayan Sah
 3. Rekha Devi @ Rekha Kumari Wife of Sarwan Sah
 4. Sita Devi Wife of Ravi Sah
 5. Ramdai Devi Wife of Narayan Sah
 6. Ravi Sah Son of Bhina Sah All resident of village- Sudai, P.S.-
Phulpras, District- Madhubani

.... Petitioners

Versus

1. The State of Bihar
2. Sondai Daughetr of Dukhi Sah resident of village- Phulbariya, P.S.-
Babubarhi, District- Madhubani

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Gagan Deo Yadav, Advocate
For the Opposite Parties : Mr. Satyavrat Verma, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

4 20-06-2017 Heard both sides.

2. The petitioners seek quashing of the order dated 11.01.2013 passed by Judicial Magistrate, Ist Class in Trial No.4023 of 2013 whereunder the Magistrate finding prima-facie case for the offence under Sections 341, 323 and 498A of the IPC ordered for issuance of summons.

3. The facts in brief is that the Opposite Party No.2 filed a Complaint Case No.1818 of 2011 on the file of Chief Judicial Magistrate, Madhubani alleging inter-alia that she was married with Pankaj Sah on 18.01.2005 and from the said bed-



lock she blessed with a son. At the time of marriage, her parents had given cash amount of Rs.1,00000/- and ornaments. Her husband and his family members kept her nicely for one month and thereafter they started torturing the complainant in connection with demand of Rs.50,000/- and a buffalo. The said demand was not fulfilled resultantly she was ousted from the matrimonial house.

4. Counsel for the petitioners submits that all six petitioners are in-laws of the complainant. Out of them petitioners no.2 and 4 are married Nanad and petitioner no.6 is the husband of petitioner no.4. Petitioners no.1 and 2 are parents in-laws and petitioner no.2 is the Dewar of the complainant. The allegation against all these petitioners is omnibus. The marriage of complainant took place in the year 2005 and after six years of marriage, she has filed the present complaint case. There are contradictions also in the statement of witnesses and no specific act of assault has been attributed against any of the petitioners. They claim that they are residing separately having no concern with the affairs of the complainant or her husband. The allegation of demand is vague and omnibus. The married Nanads are residing with their husband at different places. The prosecution of these petitioners would be misuse of judicial process and so impugned



order is fit to be quashed.

5. The counsel for the APP on the other hand opposed the submission.

6. On perusal of record, it appears that the present dispute was referred to Patna High Court, Mediation & Conciliation Centre directing the Opposite Party No.2 and her husband to appear physically within ten days but the mediation failed. It further appears that all the petitioners are in-laws of the complainant. Out of them three are married Nanad and Nandoi who are residing at different places. The allegation of torture appears omnibus and vague as no specific act of assault has been attributed against any of them. The main grievance of the complainant is against her husband who is not petitioner before this Court. The continuance of proceeding against these petitioners in such circumstance would be abuse of the process of the Court.

7. Accordingly, the prosecution of these petitioners is quashed and criminal miscellaneous is allowed.

(Sanjay Kumar, J)

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