

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39641 of 2014

Arising Out of PS.Case No. -754 Year- 2012 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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1. Preman Thakur @ Premen Thakur S/o Late Gulab Thakur
2. Mukesh Thakur S/o Preman Thakur @ Preman Thakur
3. Rakesh Thakur S/o Preman Thakur @ Preman Thakur
4. Rani Devi W/o Preman Thakur @ Preman Thakur All resident of Village
- Bharaundha, P.S. - Risiup, District - Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar
2. Sharda Devi W/o Ajay Thakur D/o Yugeshwar Thakur, Resident of
Village - Kauwal, P.S. - Chatarpar, District - Palamu (Jharkhand)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh

For the Opposite Party/s : Mr. Ram Sumiran Rai(App)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

5 13-09-2017 Heard learned counsel for the petitioners, State and
the counsel appearing on behalf of opposite party no.2.

The petitioner no.1 is the father-in-law, petitioner
no.4 is the mother-in-law and petitioners no.2 and 3 are the
brothers-in-law of the complainant respectively.

They have filed the instant application for quashing
the order dated 17.12.2012 passed by the SDJM, Aurangabad in
Complaint Case No. 754 of 2012 for the offence under section
498A of the Indian Penal Code and Section 3/4 of the Dowry
Prohibition Act. The learned SDJM vide order dated 17.12.2012



issued summon to the petitioners for their appearance. From the complaint petition, it appears that the marriage was solemnized in the year 1997 and after 15 long years, the complainant in the instant case has filed complaint case leveling allegation against the husband and entire family members that they have physically tortured the complainant on account of non-fulfillment of demand of dowry.

Mr. Krishana Pd. Singh, senior counsel, appearing on behalf of the petitioners submits that the petitioners herein are the father-in-law, mother-in-law and brothers-in-law and after 15 years of marriage the present complaint petition has been filed leveling grievance of demand of dowry and dowry related torture. He submits that there is tendency to implicate the innocent family members in a dispute between the husband and wife and these petitioners have absolutely no control if at all the allegations leveled in the complaint petition is accepted on its face value is correct. Mr. Singh submits that there is tendency to implicate the entire family members in a dispute between husband and wife. He refers to various judgments of the Apex Court and this court to substantiate the submission that the court should exercise jurisdiction under section 482 Cr.P.C. in matters where entire family members are implicated in a dispute between husband and



wife.

From perusal of the complaint petition, it appears that no specific allegation is leveled against the petitioner nos. 2 and 3, brothers-in-law of the complainant. However, there is some allegation against the petitioner nos. 1 and 4, the father-in-law and mother-in-law.

In view of the fact that there is nothing specific against the petitioner nos. 2 and 3 in the complaint petition, this court is inclined to accept the submission of Mr. Singh and quash the order taking cognizance dated 17.12.2012 passed by the learned SDJM, Aurangabad in Complaint Case No. 754 of 2012 (Tr. No. 1701/2014) so far as petitioner nos. 2 and 3 are concerned. So far as petitioner nos. 1 and 4 are concerned, there is specific allegation against them in the complaint petition and as such the court is not inclined to interfere with the order taking cognizance dated 17.12.2012 so far as petitioner nos. 1 & 4 are concerned

The application is allowed to the extent indicated above.

(Anil Kumar Upadhyay, J)

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