

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9890 of 2015

Arising Out of PS.Case No. -979 Year- 2009 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

=====

1. Tengari Ram Son of Lalan Ram
2. Lalan Ram Son of Late Jawahar Ram
3. Lalmuni Devi Wife of Lalan Ram
4. Nand Lal Ram Son of Lalan Ram All residents of village - Parsada, P.S.
Dhansoi, District - Buxar

.... Petitioner/s

Versus

1. The State of Bihar
2. Sanju Devi, wife of Tengari Ram, Daughter of Baban Ram resident of
village - Pipari, P.S. Kargahar, District - Rohtas at Sasaram

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Atul Kumar Pandey
For the Opposite Party/s : Mr. Parmeshwar Mehta(App)

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

4 08-12-2017 Heard learned counsel for the petitioners, learned
counsel for the State and learned counsel for the O.P. No. 2.

Petitioners seek quashing of the cognizance order
dated 09.12.2009 passed by the Sub Divisional Judicial
Magistrate, Sasaram in complaint Case No. 979 of 2009 thereby
taking cognizance of offence under Section 498A of the Indian
Penal Code and Section 4 of the Dowry Prohibition Act.

The brief fact giving rise to the case is that marriage
of the complainant was solemnized in the year 2005 with Tengari



Ram, petitioner no. 1 and thereafter all accused persons started making further demand of Rs. 20,000/- and a gold chain and in that connection used to torture her and ultimately as demand could not be fulfilled, she was ousted from the matrimonial home.

Learned counsel for the petitioners submits that there is no specific allegation against the petitioners no. 2 to 4, who are father-in-law and mother-in-law and brother of the husband of the complainant, except casual reference of their names and making general and omnibus allegation. Whereas learned counsel for the O.P. No. 2 also concedes that there is general allegation against the petitioners no. 2 to 4.

Having considered the rival submissions and on perusal of record, the Court finds that there is mere casual reference of the names of the petitioners no. 2 to 4 without any specific overt act of making any demand or specific accusation of committing torture, so no *prima facie* offence under Section 498A of I.P.C. is made out in the present case. Hence, the entire criminal proceeding inclusive the cognizance order dated 09.12.2009 with respect to petitioners no. 2 to 4, namely, Lalan Ram, Lalmuni Devi and Nand Lal Ram respectively is set aside. So far as criminal proceeding against petitioner no. 1, Tengari Ram, is concerned, it will continue in accordance with law.



Accordingly, this application stands disposed of.

(Arun Kumar, J)

Sujit/-

U		T	
---	--	---	--

