

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17578 of 2014

Arising Out of PS.Case No. -187 Year- 2013 Thana -DUMRAUN District- BUXAR

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1. Naresh Chaudhary, son of Kishun Chaudhary
 2. Punam Devi, wife of Naresh Chaudhary, both resident of Mohalla- Gaighat (Uttari Gali), P.S.- Alamganj, District- Patna,
 3. Mahendra Prasad, son of late Ramchandra Prasad, resident of Nimej Tola, Dumraon, P.S.- Dumraon, District- Buxar

.... Petitioner/s

Versus

1. The State of Bihar
2. Soni Kumari, wife of Manoj Kumar, daughter of Hari Mohan Prasad, resident of Mohalla- Apkari Gali, Dumraon, P.S.- Dumraon, District- Buxar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Anju Jha, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 06-10-2017

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 07.01.2014 passed by the Chief Judicial Magistrate, Buxar, in Dumraon P.S. Case No.187 of 2013 by which the learned Magistrate has taken cognizance against the petitioners and others for the offence under Section(s) 498-A Indian Penal Code and Section 3 of the Dowry Prohibition Act.

2. It has been submitted that petitioners are father-in-law, mother-in-law and maternal uncle-in-law of the Informant. There is general and omnibus allegation against them. Counsel for the petitioners has placed reliance on the judgment of the Hon'ble



Supreme Court in the case of *Geeta Mehrota Vs. State of UP* reported in *2013 (1) PLJR 10* and also in the case of *Preeti Gupta Vs. State of Jharkhand* reported in *(2010) 7 SCC 667* and submitted that criminal proceeding against the petitioners is liable to be quashed since only bald, general and omnibus allegation has been levelled against them. Instant case has been instituted on the basis of complaint filed by the Complainant, which was sent to the P.S. under Section 156(3) Cr. P. C. The Complainant/Informant has alleged that after performing arrange marriage with accused No.1 on 06.02.2013 she went to her *Sasural* where she was tortured for demand of dowry and, ultimately, she was ousted from the house as mentioned, in detail, in the Complaint Petition.

3. The police after investigation did not sent up Petitioner No.3 for trial. The Court below after differing with the charge-sheet has taken cognizance against Petitioner No.3 also along with other accused persons as named in the First Information Report.

4. From perusal of the Complaint Petition, it appears that general and omnibus allegation has been levelled against the petitioners, who are father-in-law, mother-in-law, and maternal uncle-in-law of the Complainant/Informant.

5. In the judgments relied upon by the counsel for the petitioners, Hon'ble Supreme Court, has held that criminal



proceeding is liable to be quashed when general and omnibus allegation has been levelled against the in-laws and other relatives of husband of the Complainant.

6. After going through the impugned order and materials on record, it appears that the learned Magistrate in mechanical manner without giving sufficient reason has taken cognizance against these petitioners after submission of charge-sheet by the police. Therefore, the impugned order passed by the Court below with respect to these petitioners is not in accordance with law.

7. Accordingly, impugned order dated 07.01.2014 passed by the Chief Judicial Magistrate, Buxar, in Dumraon P.S. Case No.187 of 2013 along with entire criminal proceeding against the petitioners is hereby quashed.

8. The application is, accordingly, allowed.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	14-10-2017
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