

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6497 of 2012

- =====
1. Raju Kumar @ Rajendra Kumar, Son of Yogendra Prasad
 2. Kamlawati Devi @ Kamlauti Devi, Wife of Yogendra Prasad
 3. Yogendra Prasad, Son of Late Ram Singhasan Lal (since dead)
 4. Rani Kumari, Daughter of Yogendra Prasad
- All residents of Mohalla Purani Gudari, Mahavir Chowk (Turaha Patti), P.S. Bettiah Town, District West Champaran

.... Petitioners

Versus

1. The State of Bihar
2. Anuradha Devi, Wife of Hitendra Srivastava, Daughter of Mahesh Prasad Srivastava, Resident of Village Banu Chhapar, P.O. Banu Chhapar, P.S. Bettiah Muffasil, District West Champaran

.... Opposite Parties

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Appearance :

For the Petitioners	:	Mr. Sanjeev Kumar, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP
For O.P. No.2	:	Mr. Umesh Chandra Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 26-04-2017

This petition for quashing is filed for setting aside the order dated 20.10.2011, passed by learned S.D.J.M., Bettiah, West Champaran in Complaint Case No.1943-C/2010, whereby cognizance under Section 498A of the Indian Penal Code has been taken against the petitioners and the husband, who is not petitioner before this Court.

2. The allegation in the complaint is that Anuradha Devi, the complainant's marriage was solemnized with Hitendra Srivastava in the year 2002 but after three months of marriage, father-in-law and mother-in-law started making demand of Rs.1,00,000/- and a



motorcycle and put pressure on the complainant and in that regard also tortured and harassed her. There is general allegation that all the accused used to torture and harassed in that connection. During the enquiry three witnesses were examined.

3. The learned counsel appearing on behalf of the petitioners submits that there is general and omnibus allegation against the petitioners. There is not a single instance of any incident narrated in the complaint. The learned counsel places reliance on a decision reported in (2012) 10 SCC 741, *Geeta Mehrotra & Anr. v. State of U.P. & Anr.*, and submits that there is no any specific allegation against the accused and the cognizance would result in abuse of judicial process.

4. Learned counsel appearing on behalf of opposite party no.2 and the learned APP support the order of cognizance.

5. Having considered the submissions of both sides and on perusal of the records I find that petitioner no.1, namely, Raju Kumar @ Rajendra Kumar is brother-in-law (*Devar*), petitioner no.2, namely, Kamlawati Devi @ Kamlauti Devi is the mother-in-law whereas petitioner no.4, namely, Rani Kumari is unmarried *Nanad* of the complainant. Petitioner no.3, namely, Yogendra Prasad, the father-in-law is dead, therefore, his case was dismissed as withdrawn by order dated 28.01.2013.



6. On perusal of the complaint itself, I find only one specific instance of making demand of Rs.1,00,000/- in the complaint and the said demand is alleged to have been made by father-in-law and mother-in-law. Otherwise allegations are general and omnibus with regard to brother-in-law and unmarried *Nanad* petitioner nos.1 and 4 respectively. As far as case of petitioner nos.1 and 4 are concerned, it is squarely covered by the case of *Geeta Mehrotra (supra)*. There is not a single instance of making demand of further dowry and any specific instance of committing torture and harassment alleged against petitioner nos.1 and 4, therefore, the criminal proceeding against petitioner nos.1 and 4 is quashed, as far as the case of petitioner no.2, namely, Kamlawati Devi @ Kamlauti Devi is concerned, there is specific allegation against her in the complaint so the cognizance against her is appropriate and the subsequent criminal proceeding would continue against her.

7. This petition is partly allowed.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
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