

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38167 of 2014

Arising Out of PS.Case No. -1884 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Arvind Kumar, Son of Sri Indar Rai
2. Indar Rai, Son of Late Bhageran Rai
3. Somariya Devi, Wife of Sri Indar Rai,
All resident of Makhdumpur Kurjee, P.S.- Digha, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Seema Kumar, daughter of Birendra Kumar, Wife of Arvind Kumar
resident of Makhdumpur Kurjee, P.S.- Digha, District- Patna, Present address-
Alawalpur, P.S.- Punpun, District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 07-08-2017

Heard learned counsel for the petitioners as well as learned
counsel for the State and learned counsel for the O.P. No. 2.

2. The petitioner, by filing this application, under Section
482 of the Cr.P.C., 1973, seeks setting aside of order dated
26.11.2012 passed by the S.D.J.M., Patna in Complaint Case No.
1884 (C)/2012 whereby he has taken cognizance of offence under
Section 498A of the Indian Penal Code and Section 4 of the Dowry
Prohibition Act.



3. Learned counsel appearing on behalf of the petitioners, at the very outset, seeks to withdraw this application on behalf of petitioner no. 2, the father-in-law, who is dead; accordingly, the quashing application with respect to him is dismissed as withdrawn.

4. Learned counsel for the petitioners submits that there is no specific allegation against the petitioner no. 3 (mother-in-law) except sweeping, omnibus and vague allegation. He further submits that the complaint is in habit of lodging false criminal cases under Section 498A of the Indian Penal Code and later on she lodged another FIR against husband, only in such situation the husband did not want to keep her and there is no chance of any reconciliation.

5. Learned counsel appearing on behalf of the O.P. No. 2 could not show the specific allegation levelled by the O.P. No. 2 in the complaint petition. He submits that despite the interim maintenance order passed by the Family Court, the husband is not paying maintenance amount.

6. Having considered rival submissions and on perusal of record, the court is of the view that the allegation against the mother-in-law (petitioner no. 3), is general, vague, omnibus and not specific. The specific allegation is only against the husband, petitioner no. 1. So continuance of the criminal proceeding against petitioner no. 3 would be an abuse of the process of the court, hence, the entire



criminal proceeding including cognizance order dated 26.11.2012 passed by the S.D.J.M., Patna in Complaint Case No. 1884 (C) of 2012 is hereby set aside. As far as criminal proceeding against the husband, petitioner no. 3, is concerned, it will continue in accordance with law.

7. Accordingly, this application stands disposed of.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.08.2017
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