

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37334 of 2013

Arising Out of PS.Case No. -2059 Year- 2010 Thana -SIWAN COMPLAINT CASE District-
SIWAN

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1. Ramashish Manjhi, son of late Dhodha Manjhai
 2. Phol Kumari Devi, wife of Ramashish Manjhi
 3. Rubi Kumari, daughter of Ramashish Manjhi
 4. Deepak Kumar, son of Ramashish Manjhi
 5. Anil Kumar Manjhi, son of Ram Subhag Manjhi
 6. Ram Subhag Manjhi, son of Dhodha Manjhi.
- All resident of village Kewtalia, P.S. Darauli, District Siwan, at present residing at House No 42 Nankari I.I.T, Near Pradhan Gate, P.S. Kalyanpur, District - Kanpur (U.P)
7. Shail Kumari Devi, wife of Ramsubhag Manjhi, R/O - Vill. – Kewtaliya, P.S. – Darauli, Distt - Siwan, present address - Nankari I.I.T, House No 42, Near Pradhan Gate, P.S - Kalyanpur Distt- Kanpur (U.P)
 8. Bindu Devi, wife of Ramesh Prasad, daughter of Ramashish Manjhi, resident of village Bahiyari Baghel, P.S. Bhatpar Rani, Distt - Dewariya (U.P)
 9. Indu Devi, wife of Ajay Manjhi, daughter of Ramashish Manjhi, resident of vill. - Padrauna, P.S.- Padrauna, Distt.- Kusinagar, Present Address Nankari I.I.T. House No 42, Pradhan Gate, P.S. - Kalyanpur, Distt. - Kanpur (U.P)
 10. Amarjeet Manjhi, son of Bhagdu Manjhi, Bhagana - Ramashish Manjhi, r/o vill. - Baraepar, P.S. - Bhatpar Rani, Dist. - Dewariya (U.P) Present Address - Nankari I.I.T., House No -42, Near - Pradhan Gate, P.S. - Kalyanpur Distt. - Kanpur, (U.P)

.... Petitioner/s

Versus

1. The State of Bihar
2. Arti Devi, daughter of Ramasankar Ram, resident of vill. – Khem Bhatkan, P.S. – Andar, Distt. - Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhakar Singh, Advocate.

For the Opposite Party/s : Md. Sufiyan, A.P.P.

For the opposite party No. 2 : Manish Kumar,

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 26-04-2017

1. This application has been filed for quashing the order dated 18.4.2011 passed by the Sub Divisional Judicial Magistrate, Siwan, in Trial No. 3650 of 2011 arising out of Complaint Case No. 2059 of 2010



by which learned Magistrate took cognizance against the petitioners for the offence under Sections 498(A), 406/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

2. Heard learned counsel for the Petitioners and the State as well as learned counsel for the opposite party No. 2.

3. It has been submitted on behalf of the petitioners that judicial separation has already taken place between husband, Arvind Kumar Manjhi, and the wife, Arti Devi, by order dated 25.3.2017 passed by the Principal Judge, Family Court, Siwan, in Divorce Case No. 94 of 2012. These petitioners are family members of the husband of the informant.

4. During hearing of this petition, the order dated 25.3.2017 passed in Divorce Case No. 94 of 2012 by the Principal Judge, Family Court, Siwan, has been filed by which judicial separation has been granted to husband and wife with mutual consent.

5. The counsel for the petitioners has submitted that proceeding against one of the accused Ramesh Prasad has already been quashed by a coordinate Bench of this Court vide order dated 6.8.2012 passed in Cr. Misc. 16929 of 2012.

6. It has been submitted that petitioner Nos. 1 and 2 are parents-in-law, petitioner Nos. 3 and 8 are married sister-in-law (Nanad), petitioner No. 4 is brother-in-law (Dewar), petitioner Nos. 6 & 7 are uncle and aunty in law, petitioner Nos. 5 and 9 are cousin brother in law and petitioner No. 10 is Bhagina. They all have no concern with the family affairs of the informant and her husband.



7. From the complaint petition, it appears that general and omnibus allegation has been levelled against the petitioners. They have no direct concern with the affairs of the informant and her husband.

8. It has been held by the Hon’ble Supreme Court in the case reported *in PLJR 2013 (1) SCC Page 10 (Geeta Mehrotra Vrs. State of U.P.)* that proceeding against the in-laws on general and omnibus allegation has to be quashed as it has become very common to involve entire family members in a case under Section 498-A of the Indian Penal Code. Therefore, continuation of proceeding against these petitioners is mere harassment to them and abuse of process of law.

9. Therefore, the entire proceedings including the order of cognizance dated 18.4.2011, passed by the learned Sub Divisional Judicial Magistrate, Siwan, in connection with Trial No. 3650 of 2011 arising out of Complaint Case No. 2059 of 2010 with regard to these petitioners, is hereby quashed.

10. Accordingly, this Cr. Misc. application is allowed.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	11.05.2017
Transmission Date	11.05.2017

