

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22339 of 2013

Arising Out of PS.Case No. -667 Year- 2011 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

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1. Anju Devi @ Minti Devi @ Binti Devi, D/O Late Brahamdeo Prasad Agrawal, W/O Baldeo Prasad Agrawal R/O Rajdhanwar, P.S.- Rajdhanwar, District- Giridih (Jharkhand)
 2. Manju Devi, D/O Late Brahamdeo Prasad Agrawal, W/O Bijay Kumar Agrawal R/O Village- Harkhi, P.S. Rajdhanwar, District- Giridih (Jharkhand)
 3. Jaya Devi @ Jaya Debi D/O Late Brahamdeo Prasad Agrawal, W/O Surendra Kumar Agrawal, R/O Mohalla- Nagina Singh Road, Giridih, P.S.- Giridih, District- Giridih (Jharkhand)
 4. Surendra Kumar Agrawal @ Surendra Pd. Agrawal, S/O Jagdish Modi & Son-In-Law Of Late Brahamdeo Prasad Agrawal, R/O Mohalla- Nagina Singh Road, Giridih, P.S. Giridih, District- Giridih (Jharkhand)
 5. Binda Modi, S/O Ganauri Modi, R/O Village- Khuta, P.S.- Satgawan, District Kodarma (Jharkhand)

.... Petitioners

Versus

1. The State Of Bihar
2. Roshni Kumari, W/O Nitish Kumar Agrawal, R/O Village- Dhobia, Tola Jasidih, P.S.- Jasidih, District- Deoghar (Jharkhand), At Present Residing With Roshni Kumari, D/O Kesho Prasad Agrawal, Of Village- Dhami, P.S. Rajauli, District- Nawada (Bihar)

.... Opposite Parties

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Appearance :

For the Petitioners : Ms. Manisha Prakash, Advocate
For the Opposite Party No.2 : Mr. Arjun Pd. No.1, Advocate
For the State : Dr. Dayanand Jha(APP)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 11-01-2017

This application has been filed under Section 482 of Cr.P.C for quashing the order of the cognizance dated 19.09.2011 passed by learned Sub-Divisional Judicial Magistrate, Nawada against these petitioners.

Heard both the parties.



It has been submitted on behalf of the petitioners that petitioner no.1 to 4 are married *Nanad* and *Nandosi* and petitioner no.5 is mama of the petitioner no.1 to 3. There is no specific allegation against these petitioners. Learned counsel for the petitioners has relied upon a decision of Hon'ble Supreme Court in the case of **Geeta Mehrotra vs. State of U.P.** reported in **2013 (1) PLJR 10 (SC)** in support of the submission.

Learned counsel for the O.P.No.2 has submitted that there is specific allegation against these petitioners in paragraph-3 of the complaint petition. They have also committed atrocities and torture with the complainant. There is no illegality in the impugned order.

Having heard both the parties and perused the impugned order as well as S.A of the complainant, this court finds that there is general allegation against all these petitioners that they committed atrocities and torture with the complainant. Counsel for the petitioners has read the S.A. of the complainant wherein she has merely stated that she has filed case against eleven accused persons. There is no allegation of overt act against these petitioners in the S.A. of the complainant. To the court question, she has stated that she gave birth to a son. She informed in sasural, but nobody came to see her.

In the aforesaid circumstances, there is no any specific



allegation of overt act against these petitioners and also relying on the judgment of the Hon'ble Supreme Court reported in **2013 (1) PLJR 10 (SC) Geeta Mehrotra vs. State of U.P.**, this court is of the view that criminal proceeding against these petitioners, who are married *Nanad* and *Nandos* and distant related mama of petitioner no.1 to 3, is abuse of the process of the court. Accordingly, the impugned order of cognizance passed with respect to these petitioners as well as entire proceedings is hereby quashed.

Accordingly, this criminal miscellaneous application is allowed.

(Sanjay Priya, J.)

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