

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54295 of 2013

Arising Out of PS.Case No. -8 Year- 2012 Thana -MAHILA P.S. District- MADHUBANI

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1. Dorik Thakur, son of late Lakshmi Thakur,
 2. Ram Sakhi Devi, wife of Dorik Thakur, both resident of village- Sonmani, Police Station- Rahika, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar,
2. Rinku Devi, wife of Manoj Thakur, D/O Raghunath Thakur, resident of village- Damodarpur, Police Station- Benipatti, District- Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratnakar Jha, Advocate

For the Opposite Party/s : Mr. APP

Mr. Krishna Narayan Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 28-06-2017

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 26.02.2013 passed by the Chief Judicial Magistrate, Madhubani, in Mahila P.S. Case No.08 of 2012 by which the learned Magistrate has taken cognizance against the petitioners and another accused for the offence under Section(s) 498-A Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

2. Notice was issued to the Opposite Party No.2. Counsel for the Opposite Party No.2 has appeared.

3. From the Complaint Petition, which was sent to the Police Station under Section 156(3) Cr. P.C., it appears that



these petitioners are parents-in-law of the informant-Opposite Party No.2. The police after investigation submitted charge-sheet against these petitioners along with another accused for the offence under Section(s) 498-A/34 Indian Penal Code and Section 3/4 of the Dowry Prohibition Act and, accordingly, cognizance was taken by the learned Magistrate against these petitioners and another accused by order dated 26.02.2013 for the offence under Section(s) 498-A Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

4. Main argument made on behalf of the petitioners is that there is mere general, vague and omnibus allegation against these petitioners. They have no concern with the family affairs of husband and wife. They are the old parents-in-law living separate from their son.

5. Learned counsel for the Opposite Party No.2-informant has submitted that these petitioners have committed physical and mental torture with the Opposite Party No.2.

6. Learned counsel for the Petitioners has relied on the judgment of the Hon'ble Supreme Court in the case of ***Preeti Gupta and another Vs. State of Jharkhand and another*** reported in (2010) 7 SCC 667 and in the case of ***Geeta Mehrotra and another Vs. State of UP and another*** reported in 2013(1) PLJR 10 and argued that continuance of the proceeding against these



petitioners will be mere harassment on such vague and omnibus allegation.

7. Under the aforesaid circumstances, looking into the vague, general and omnibus allegation against the petitioners and also relying on the aforesaid decisions of the Hon'ble Supreme Court, this Court is of the view that continuance of the criminal proceeding against the petitioners is mere harassment and abuse of process of Court.

8. Accordingly, the impugned order dated 26.02.2013 passed by the Chief Judicial Magistrate, Madhubani, in Mahila P.S. Case No.08 of 2012 along with entire criminal proceeding with respect to the petitioners is hereby quashed.

9. This application is, accordingly, allowed.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	14-07-2017
Transmission Date	14-07-2017

