

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40716 of 2013

Arising out of PS.Case No. -1578 Year- 2010 Thana - VAISALI COMPLAINT CASE District -
VAISHALI (HAJIPUR)

- =====
1. Lagan Ram, Son of Late Baja Ram, Resident of Village Gaushpur, P.S. Rajapakar, District Vaishali
 2. Samundri Devi, Wife of Lagan Ram, Resident of Village Gaushpur, P.S. Rajapakar, District Vaishali
 3. Naresh Ram, Son of Lagan Ram, Resident of Village Gaushpur, P.S. Rajapakar, District Vaishali
 4. Babita Devi, Wife of Naresh Ram, Resident of Village Gaushpur, P.S. Rajapakar, District Vaishali
 5. Basudeo @ Basu Ram, Son of Kailash Ram, Resident of Village Gaushpur, P.S. Rajapakar, District Vaishali
 6. Urmila Devi, Wife of Babu Ram, Resident of Village Gaushpur, P.S. Rajapakar, District Vaishali

.... Petitioners

Versus

1. The State of Bihar
2. Lalita Devi, Wife of Bhola Ram, Resident of Shumai Mishra Tola, P.S. Sadar Hajipur, District Vaishali, at present Lalita Devi, D/o Dinesh Ram, Resident of Fulwaria, Thana Mahua, District Vaishali

.... Opposite Parties

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Appearance :

For the Petitioners	:	Mrs. Rina Sinha, Advocate
For the State	:	Mr. Ajay Kumar-I, APP
For O.P. No.2	:	Mr. Surendra Kishore Thakur, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 11-12-2017

Heard learned counsel for the parties.

2. The petitioners seek quashing of the cognizance order dated 17.09.2010, passed by learned S.D.J.M., Vaishali at Hajipur in Complaint Case No.1578 of 2010 thereby taking cognizance of the offence under Section 498A of the Indian Penal Code as well as under Section 4 of the Dowry Prohibition Act and issuing summons to stand trial in the case.

3. The brief fact giving rise to the case is that on



14.05.2007, the complainant's marriage was solemnized with Bhola Ram and thereafter her husband along with all his family members used to torture her for realizing further demand of Rs.1,00,000/-, colour TV and motorcycle. Several times they kicked her out of the matrimonial home, ultimately on 31.05.2010 after abusing and assaulting her and keeping all her jewellerys pushed out of the husband's home.

4. Learned counsel for the petitioners submits that the allegations are only general and omnibus, no specific overt act is alleged against the petitioners who are father-in-law, mother-in-law, brother of the complainant's husband, his wife, married *Nanad* and her husband. Moreover, the complainant after filing compromise is living with her husband.

5. Learned counsel appearing on behalf of opposite party no.2 also admits the fact of compromise and the complainant living together with her husband.

6. Having considered the submissions of both sides and on perusal of the records, the Court finds that except casual reference of petitioners' names finding place in the complaint, no specific allegation of any act of demand of dowry or torture in that connection is imputed against any one of the petitioners. Unless specific overt act of making demand of dowry and committing any harassment in that



connection or committing cruelty of such a nature likely to drive the woman to commit suicide or causing grave injury to life, limb or health is attributed; no *prima facie* offence under Section 498A of the Indian Penal Code is attracted, so the entire criminal proceeding inclusive of the cognizance order dated 17.09.2010, passed in Complaint Case No.1578 of 2010, pending in the court of learned S.D.J.M., Vaishali at Hajipur is hereby quashed with respect to the petitioners.

7. The quashing application stands allowed.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
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