

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46339 of 2014

Arising Out of PS.Case No. -2325 Year- 2010 Thana -PATNA COMPLAINT CASE District- PATNA

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1. Sudama Devi Wife of Late Janeshwar Singh
2. Ramesh Singh Son of Late Janeshwar Singh
3. Pushpa Devi Wife of Ramesh Singh All Resident of Village - Jay Bigha,
P.S.-Madanpur, Dist.-Aurangabad

.... Petitioners

Versus

1. State of Bihar
2. Smt. Laxmi Singh Wife of Rajesh Kumar Singh, Daughter of Shyam
Bahadur Singh Resident of Mohalla - Chiraiyatarn, Gali No. 1 P.S.-
Kankarbagh, Dist.-Patna

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anit Kumar, Advocate

For the Opposite Party/s : Mr. Satyavrat Verma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date: 12-10-2017

Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

The petitioners are seeking quashing of the
order dated 14.02.011 passed by learned Judicial
Magistrate, 1st Class, Patna in Complaint Case No. 2325(C) of
2010 by which cognizance under Section 323, 498A of the
Indian Penal Code and 3/4 of the Dowry Prohibition Act, has
been taken and the petitioners have been summoned by the



learned Magistrate.

Learned counsel for the petitioners submits that petitioner no. 1 is the mother-in-law, petitioner no. 2 is the elder brother of the husband and petitioner no. 3 is the wife of the elder brother of the husband of complainant/Opposite Party No. 2. All these petitioners have been falsely implicated on a general and omnibus allegation against them.

Learned counsel submits that from perusal of the complaint petitioner it will appear that the husband of the complainant/Opposite Party No. 2 is in service at Kolkata, and it is her case that she requested her husband to keep her with him at Kolkata, but he did not agree. A son was born from the marriage on 31.07.2002. The allegation against the elder brother that he told the Opposite Party No. 2 that unless Maruti Car is given in dowry she will not go to Kolkata and shall live in present condition has no basis, because it is her own case that she was taken to Kolkata in April, 2005, where she was staying peacefully with her husband, but later on allegations have come that the mother-in-law and the wife of elder brother threw her out



of the house when she came back from Kolkata.

Learned counsel for the petitioners further submits that the allegations against the mother-in-law, elder brother and wife of elder brother who are all separate and are admittedly living in village are false, concocted and baseless. In fact, the allegations are super-imposition just to falsely implicate the entire family in the present case due to matrimonial discord between the Opposite Party No. 2 and her husband. Filing of the present case after about nine years from the date of marriage itself indicate that so far as the family members (petitioners) are concerned, they have never actively participated in any alleged act. He submits that this normal tendency to implicate the entire family members under Section 498A I.P.C. by imposing baseless allegations even against those members of the family who are separately living and having no concern with the family of the complainant as is the present case.

No one has appeared to oppose the present application even though Opposite Party No. 2 has entered appearance through her advocate.

This court has considered the statements made



in the complaint petition. The marriage is of the year 2001, the allegations mostly cluster around the conduct of the husband, though in the later part, these petitioners have also been implicated on some vague and general allegations of committing cruelty without their being any description as to when such alleged occurrence took place.

In the opinion of this court, the petitioners being closed kith and kin of the husband of the complainant- Opposite Party No. 2 are being prosecuted for sheer harassment, therefore, continuance of the proceeding against them, in the opinion of this Court, will only be an abuse of the process of the court.

In the result, the impugned order is set aside as against the present petitioners and the application is allowed to the extent indicated above.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
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