

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17583 of 2014

Arising Out of PS.Case No. -2289 Year- 2012 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

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1. Pramila Sinha Wife of Sri Ram Nandan Pd. @ Ram Babu Singh R/o Village-
Mustafapur, P.S.-Ahiyapur, District-Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Kumari Meera Manjusha Wife of Sri Sanjeev Kumar @ Sanju R/o Morsand
Bahadurpur, P.S.-Pusa, District-Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Ranjan, Advocate.
For the State : Mr. Kumar Ranjit Ranjan, APP.
For the Opposite party No. 2 : Mr. Jitendra Narain Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 13-09-2017

1. Heard learned counsel for the petitioners and the State.

2. This application has been filed for quashing the order dated
22-04-2013 passed by Shri Sanjeev Kumar, learned Judicial Magistrate-
Ist Class, Samastipur in Complaint Case No. 2289 of 2012 by which,
the learned Magistrate after holding inquiry u/S 202 Cr.P.C. has found
prima facie against the petitioner for the offence under Section-406 of
the Indian Penal Code.

3. It has been submitted on behalf of the petitioner that she is
mother-in-law of the informant. Mere vague and omnibus allegation
has been levelled against her. Counsel for the petitioner has relied
upon a decision reported in *2010(1) BBCJ, SC 55 (Neelu Chopra and*



Anr. Vs. Bharti) and submitted that since there is vague and omnibus allegation, cognizance against the petitioner is bad in law.

4. As per prosecution case, the son of the petitioner was married with the complainant as per Hindu Rites and Rituals in the year, 2008. She went to her Sasural where she was tortured for demand of four wheelers by the accused persons. The husband of the complainant had illicit relation with another lady namely, Sushma Devi and when the complainant made protest, then all accused persons pressed her neck with intention to kill. It is further alleged that on 16-06-2012, she was assaulted by all the accused persons and kicked out from matrimonial house.

5. Counsel for the petitioner has read the entire complaint case during hearing of this petition.

6. From perusal of the complaint, it appears that nowhere any specific allegation of overt act has been made against this petitioner.

7. The Hon'ble Supreme Court in the judgment reported in **2010(1) BBCJ, SC 55 (Neelu Chopra and Anr. Vs. Bharti)** relied upon by this petitioner has laid down as follows:

“complaint sadly vague and not showing as to which accused committed what offence and what is exact role played by appellants in commission of offence-no material or allegation against appellants-all allegation against husband of the complainant who is no more-as such, it would be an abuse of



process of law to allow prosecution to continue against aged parents of husband on the basis of vague and general complaint”.

8. This court finds that this case is completely covered by the aforesaid judgment of the Apex Court.

9. In such circumstances, this court after looking into allegation in the complaint and also relying upon the aforesaid decision of the Hon’ble Supreme Court is of the view that the continuance of proceeding against the petitioner is mere harassment and abuse of process of the court.

10. Therefore, impugned order dated 22-04-2013 passed by Shri Sanjeev Kumar, learned Judicial Magistrate-Ist Class, Samastipur in Complaint Case No. 2289 of 2012 along with entire criminal proceeding against the petitioner is quashed.

11. This Cr. Misc. Application is ***allowed***.

(Sanjay Priya, J)

A.K.V./-

AFR/NAFR	AFR
CAV DATE	
Uploading Date	24-09-2017
Transmission Date	24-09-2017

