

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34805 of 2014

Arising Out of PS.Case No. -81 Year- 2013 Thana -COMPLAINT CASE District- JAMUI

- =====
1. Urmila Devi @ Urmila Jha W/o Yadu Nandan Jha
 2. Yadu Nandan Jha S/o Late Jag Mohan Jha
 3. Rakesh Kumar Jha S/o Yadu Nandan Jha All Resident of Village Manikpur, P.S. Tarapur, District Munger.

.... Petitioners

Versus

1. The State of Bihar.
2. Poonam Jha D/o Dayanand Jha, W/o Rakesh Kumar Jha Resident of Village Manikpur, P.S. Tarapur, District Munger at present Village Gidhour, P.S. Gidhour, District Jamui (Bihar).

.... Opposite Parties

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Appearance :

For the Petitioners	:	Mr. Subodh Kumar Jha, Advocate
		Mr. Roshan Kumar Mishra, Advocate
For the State	:	Mr. Ajay Kumar-I, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 17-11-2017

The petitioners seek quashing of the cognizance order dated 16.08.2013, passed by learned S.D.J.M., Jamui in Complaint Case No.81(C) of 2013 thereby taking cognizance of the offence under Sections 498A and 323 of the Indian Penal Code as well as under Section 3/4 of the Dowry Prohibition Act.

2. A brief fact giving rise to the case is that complainant Poonam Jha, opposite party no.2, was married with Rakesh Kumar Jha, petitioner no.3, on 17.06.2005. In marriage dowry was given by complainant's father but just after three days of the solemnization of the marriage, again the in-laws started reiterating further demand of dowry and also started torturing, so she went back to her parents'



home, again returned back. The accused persons after coming back started torturing her, her mother-in-law and sister-in-law kept all her jewellery and the complainant has filed the case of maintenance in the family court and case under the Domestic Violence Act too.

3. Learned counsel for the petitioners submits that petitioner nos.1 and 2, the mother-in-law and father-in-law are old persons, father-in-law is a retired school teacher whereas the husband is in Indian Navy and even after going through the entire allegation levelled in the complaint, there is no specific allegation of any demand of dowry by the petitioners at least by the father-in-law and mother-in-law and if any kind of torture is mentioned except the sweeping remark of torturing. Learned counsel for the petitioner places reliance in the case of *Geeta Mehrotra vs. State of U.P.*, reported in 2013 (1) PLJR 10(SC) and also in the case of *Preeti Gupta vs. State of Jharkhand*, reported in 2010 (4) PLJR 36(SC).

4. Learned counsel for the State submits that there is general allegation against father-in-law and mother-in-law too, so a *prima facie* case is also made out against them.

5. Having considered the rival submissions and on perusal of the record, the Court finds that allegation against petitioner nos.1 and 2, mother-in-law and father-in-law are general and omnibus. Only bald statement of making demand of dowry and torture is made, no



specific date of torture or manner of torture is mentioned in the complaint. Now a days it is general tendency to implicate all family members however complaint itself does not disclose any specific allegation against petitioner nos.1 and 2 except casual reference, so continuation of the criminal proceeding against these two petitioners would be abuse of the process of the court, therefore, the criminal proceeding inclusive of cognizance order dated 16.08.2013, passed in Complaint Case No.81(C) of 2013 pending in the court of S.D.J.M., Jamui is hereby set aside only with respect to petitioner nos.1 and 2, namely, Urmila Devi @ Urmila Jha and Yadu Nandan Jha. Howsoever, as far as the case of petitioner no.3, Rakesh Kumar Jha is concerned, the allegation is specific against him, so the criminal proceeding against petitioner no.3 will continue.

6. Accordingly, the quashing application stands disposed of.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
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