

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38326 of 2014

Arising Out of PS.Case No. -870 Year- 2013 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

- =====
1. Ram Jatan Paswan, Son of Late Keshar Paswan (Father-in-Law)
 2. Chinta Devi, Wife of Ram Jatan Paswan (Mother-in-Law).
 3. Sunaina Devi, Daughter of Ram Jatan Paswan (Nanad, wife of Birajay Paswan)
- All are resident of Village - Matepur, P.S. - Chandi, P.O. - Balchhedi Sawan,
District - Nalanda (Bihar Sharif).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shobha Devi, Wife of Jai Nandan Paswan (D/o Shayam Paswan) Resident of
village - Matepur, P.O. - Bal Chhedi Sawan, P.S. - Chandi, District - Nalanda
(Bihar Sharif), At present D/o Shayam Paswan, Resident of village - Ram Diha,
P.O. - Amba, P.S. - Narsaray, District - Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vinay Kumar Srivastava, Advocate.
For the State	:	Mr. Alay Kumar-1, A.P.P.
For the O.P. No. 2	:	Mr. Sanjay Prasad, Advocate.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 09-08-2017

Heard counsel for the petitioners and learned counsel
appearing on behalf of the O.P. No. 2 and the State.

2. The petitioners have filed this application under Section
482 of the Code of Criminal Procedure, 1973, seeking quashing of
order dated 03.04.2014 passed by the Chief Judicial Magistrate,
Biharsharif in Complaint Case No. 870 (C) of 2013 whereby he has
taken cognizance of offence under Sections 323 and 498A of the



Indian Penal Code and Section 4 of the Dowry Prohibition Act.

3. Brief facts, as alleged in the complaint, is that complainant was married with Jai Nandan Paswan in 2001, thereafter came to her matrimonial home but after marriage, the accused persons started making demand of Rs. 50,000/- and a colour T.V.. It is alleged that her mother-in-law and Nanad used to lock her in a room, not giving food for days so could not bear a child for ten years and on this account also she was tortured. It is alleged that on 08.08.2011, she was ousted from the matrimonial home. A Panchayati was held on 15.08.2011. In the said Panchayati, her husband, Jai Nandan Paswan and father-in-law Ram Jatan Paswan reiterated demanded dowry of Rs. 50,000/-, however, her father handed over Rs. 10,000/- to Ram Jatan Paswan promising rest amount to be paid later on. Even after that accused persons continued torturing her and ultimately on 29.06.2013, she was ousted from matrimonial home.

4. Learned counsel appearing on behalf of the petitioners submits that the allegation against the petitioners, who are father-in-law, mother-in-law and married *Nanad* of the complainant, is general and omnibus and there is no specific allegation against the petitioners. He further placed reliance in the case of ***Pritam Ashok Sadaphule and Ors. v. State of Maharashtra and Ors.*** reported in (2015) 11 SCC 769.



5. Whereas, learned counsel for the O.P. No. 2 submits that there is specific allegation against these petitioners that mother-in-law and *Nanad* used to lock her in a room and not provided food also there is specific allegation against father-in-law that in the Panchayat held on 15.08.2011, he demanded Rs. 50,000/-.

6. Having considered rival submissions, on perusal of record and taking the allegation into entirety, I find that omnibus and general allegations are levelled against mother-in-law and *Nanad* who is married and living at her matrimonial home at different place, so the allegation against the petitioner nos. 2 and 3 are general, vague and sweeping in nature. No date of any specific incidence of torture committed by these two petitioners is mentioned in the complaint petition with description of specific overt act. Whereas there is specific allegation against the petitioner no. 1 (father-in-law) of making demand of dowry and receiving Rs. 10,000/- on 15.08.2011 after Panchayati.

7. So in the backdrop of these facts, the entire criminal proceeding inclusive of the order dated 03.04.2014 passed by the Chief Judicial Magistrate, Biharsharif in Complaint Case No. 870 (C) of 2013 is set aside with respect to the petitioner no. 2 and 3 only, who are mother-in-law and married *Nanad* of the complainant. So far as petitioner no. 1 is concerned, criminal proceeding against him will



continue. Accordingly, this application stands partly allowed.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.09.2017
Transmission Date	08.09.2017

