

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38024 of 2014

Arising Out of PS.Case No. -1074 Year- 2013 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

=====

1. Anand Kumar Singh @ Bablu S/o Sri Bhagwan Singh
2. Sri Bhagawan Singh S/o Late Ramadhar Singh
3. Smt. Shushila Devi W/o Sri Bhagwan Sah All resident of village- Tekari, P.S.-
Kargahar, District- Rohtas

.... Petitioners

Versus

1. The State of Bihar
2. Rishikesh Singh S/o Late Raghubansh Singh resident of village- Sadokhar, P.S.-
Chenari, District- Rohtas
3. Rambha Singh, wife of Anand Kuamr Singh @ Bablu, resident of village-
Tekari, P.S.- Karghar, District- Rohtas, at present resident of village- Sadokhar,
P.S.- Chenari, District- Rohtas.

.... Opposite Parties

=====

Appearance :

For the Petitioners : Mr. Devendra Narayan Singh, Advocate
For O.P. No.2 : Mr. Rakesh Narayan Singh, Advocate
For the State : Mr. Ajay Kumar-I, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 07-08-2017

Heard learned counsel for the petitioners as well as
learned counsel appearing on behalf of opposite party no.2 and the
State.

2. The petitioners seek quashing of order
dated 23.5.2014 passed by S.D.J.M., Sasaram in Complaint Case
No.1074 of 2013 whereby taking cognizance of the offence under
Section 498A of the Indian Penal Code and Section 4 of the Dowry
Prohibition Act.



3. It is submitted by learned counsel for the petitioners that after marriage, the complainant used to live at Ranchi with her husband. This fact is also mentioned in the complaint petition as the husband was engaged as a L.I.C. agent but the parents lived at village home. There is no specific allegation against father-in-law and mother-in-law, petitioner nos.1 and 2 relating to any specific demand of dowry after the marriage or torture in that connection; whereas learned counsel appearing on behalf of opposite party no.2 submits that there is general allegation against the father-in-law and mother-in-law and on their instigation the husband used to torture his wife.

4. Having considered rival submission and on perusal of record, it appears that the allegation of making demand of dowry as well as committing cruelty or harassment to the complainant by petitioners 2 and 3 is general and omnibus. The complaint itself shows that after marriage she used to reside with her husband at Ranchi whereas her in-laws resided at village home. Now it is settled principle of law that in absence of any specific allegation against the relatives of the husband they should not be prosecuted. In the present case also there is no specific allegation against father-in-law and mother-in-law petitioner nos.2 and 3 respectively though there is specific allegation against the husband petitioner no.1 of this application, so the criminal proceeding along with cognizance order



dated 23.5.2014 passed by S.D.J.M., Sasaram in Complaint Case No.1074 of 2013 with respect to petitioners 2 and 3 only, namely, Sri Bhagawan Singh and Smt. Shushila Devi are hereby set aside whereas the trial will proceed in accordance with law against the husband petitioner no.1.

5. Accordingly, this application stands disposed of.

(Arun Kumar, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	08-09-2017
Transmission Date	08-09-2017

