

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38322 of 2014

Arising Out of Case No. -3015 Year- 2011 Thana -PATNA COMPLAINT CASE District- PATNA

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1. Parsuram Pathak, son of Sri Raja Ram Patha
 2. Chandra Mani Devi @ Chandra Mani Pathak, wife of Paruram Pathak
Both residents of Mohalla- New Area Jakkanpur, Near Laxmi Market, P.O- Gardanibagh, P.S.- Jakkanpur, in the town and District- Patna.
 3. Priyanka, Wife of Sri Ajay Kumar Mishra, daughter of Sri Parsuram Pathak, resident of R.M.S. Colony, road No. 2, Kankarbag, Patna.

.... Petitioner/s

Versus

1. State of Bihar
2. Chanchal Kumari @ Subha Mishra, daughter of Late Kamlakant Mishra, wife of Neeraj Kumar Pathak, resident of Mohalla- Kankarbagh, Railway quarter No. 145/C, near Rajendra Nagar over bridge, Patna- 20, present address New Chitragupta Nagar, Parwati Path, Behind Ram Kumar apartment, P.S.- Patrakar Nagar, Kankarbagh, Patna-20.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Ranjan Pandey, Advocate.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 09-08-2017

Heard learned counsel for the petitioners as well as learned counsel for the State. None appears on behalf of the O.P. No. 2

2. The petitioners have filed this application, under Section 482 of the Cr.P.C., 1973 invoking inherent jurisdiction of this Court for setting aside order dated 09.08.2012 passed by the Judicial Magistrate, 1st Class, Patna in Complaint Case No. 3015(C) of 2011 whereby he has taken cognizance under Section 498A of the Indian



Penal Code. The petitioners are father-in-law, mother-in-law and married *Nanad* of the complainant.

3. The allegation in the compliant, in brief, is that after marriage of the complainant with husband Neeraj Kumar Pathak in the year 2007, he started making demand of car though motorcycle was given in dowry and other accused persons also used to taunt and instigate her husband for torturing and ultimately ousted her from matrimonial home.

4. Learned counsel for the petitioners submits that allegations against the petitioners are general and bald statement of torture and demand of dowry is made. Further there is no any specific allegation relating to any incidence of torture in the complaint or in her statement given on solemn affirmation as well as in the statement of the other witnesses.

5. Learned A.P.P. supported the order taking cognizance but concedes that allegation against these petitioners are general in nature.

6. Having considered the rival submissions and on perusal of record, it appears that petitioners are father-in-law, mother-in-law and married *Nanad* of the complainant who reside separately and there is no specific allegation against these petitioners except against the husband alleging further demand of dowry and torture in that



connection. The Hon’ble Supreme Court, in many judgments, have observed that nowadays, it is trend to implicate all family members of the husband, so unless there is specific allegation relating to demand of dowry, event of torture against other family members of the husband, criminal proceeding is liable to be quashed. In the present case, there is no specific allegation against these petitioners except only bald and sweeping statement of demand of dowry and torture, so continuation of the criminal proceeding with respect to these petitioners would be an abuse of the process of the court.

7. Hence, entire criminal proceeding inclusive of order taking cognizance dated 09.08.2012 passed by the Judicial Magistrate, 1st Class, Patna in Complaint Case No. 3015(C) of 2011 is hereby set aside. In the result, the application stands allowed.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.09.2017
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