

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4312 of 2015

Arising Out of PS.Case No. -1883 Year- 2013 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

- =====
1. Harishankar Kunwar Son of Sri Ramakant Singh Resident of Village - Bharaul, P.S. - Bachhwara, District - Begusarai.
 2. Sita Devi Wife of Harishankar Kunwar, Resident of Village - Bharaul, P.S. - Bachhwara, District - Begusarai.

.... Petitioners

Versus

1. The State of Bihar.
2. Kumari Sujata, Wife of Basant Kumar, Daughter of Dr. Ram Bilash Singh, Resident of Village - Musadpur, P.S. - Barauni, District - Begusarai.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Sanjeet Kumar
For the State : Mr. Pradip Nr.Kumar(App)
For O.P. No. 2 : None

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

4 04-12-2017 Heard learned Counsel for the petitioner as well as the learned Counsel for the State. However, even today no one appears on behalf of the Opposite party No. 2.

The petitioners seeks quashing of the cognizance order dated 13.2.2014 passed in Complaint Case No. 1883(C) of 2013 by ACJM Begusarai, thereby taking cognizance of the offence under Sections 498A, 323, 379/34 of the IPC as well as under Section 4 of the Dowry Prohibition Act.

The short fact giving rise to the case is that the complainant (Opposite party No. 2) by filing the complaint alleges that she was married to Basant Kumar on 15.4.2012. Prior to marriage her



parents had given dowry and many articles. She lived for 15 days in her matrimonial home at village thereafter she left for Delhi to live with her husband. The sister-in-law and her husband were also living in another flat in the same Apartment. Her father-in-law and mother-in-law also turned up and used to taunt her for bringing less dowry and also for not being of good look. She became pregnant and gave birth to a male child and again returned back to her matrimonial home in the village. It is alleged that all the accused persons used to torture her. They kept all her belonging, her son and kicked out her from the matrimonial home.

Learned Counsel for the petitioners submits that petitioner No. 1 is brother of the complainant's husband and petitioner No. 2 is his wife and in the entire complaint there is no specific allegation against these two petitioners. The complainant after marriage used to live with her husband who is a Central Government employee in the Cabinet Secretariat in New Delhi. Her husband had filed Divorce Suit No. 160 of 2013 in the court of Principal Judge, Begusarai on 20.7.2013, so after knowing all these facts the complainant filed the present complaint making all the family members accused. Learned Counsel also submits that the petitioners used to live in the village home at distant place whereas the complainant used to live with her husband in Delhi. Learned Counsel for the petitioners places reliance on the case of *Geeta Mehrotra & anr. Vs. State of U.P. & others*, reported in *2013(1) PLJR 10 (SC)*. Learned Counsel further submits



that on earlier occasion by order dated 24.11.2014 the quashing application vide Cr. Misc. No. 17715 of 2014 filed by the married Nanad and her husband was allowed by this Court quashing the entire criminal proceeding against them.

Having considered the rival submissions and on perusal of the record and applying the principles laid down in the case of ***Geeta Mehrotra (supra)*** the Court finds that the petitioners are brother of the husband of the complainant and his wife and the allegations are sweeping and bald in the nature having no specific allegation against them in the complaint. Further the fact remains that the complainant's husband was an employee of the Central Government posted in the Central Secretariat, New Delhi and after marriage the complainant used to live with him whereas the petitioners used to live in the village home at a distant place, so prima facie the offences are not attracted against these two petitioners. Hence the entire criminal proceeding against these two petitioners inclusive of the cognizance order dated 13.2.2014 passed in Complaint Case No. 1883(C) of 2013 pending in the court of SDJM Begusarai with respect to these two petitioners only is hereby quashed.

The application stands allowed.

Snkumar/-

(Arun Kumar, J.)

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