

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54016 of 2013

Arising Out of PS.Case No. -229 Year- 2011 Thana -SITAMARHI District- SITAMARHI

- =====
1. Markenday Mishra, son of Gapala Jha,
 2. Ashman Devi @ Sundri Devi, W/O Markandey Mishra, resident of village- Panchhaur, P.S.- Riga, District- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar,
2. Anita Devi, W/O Santosh Kumar, resident of village- Panchhaur, P.S.- Riga, District- Sitamarhi, at present residing at H/O- Ganesh Singh, at Shanti Nagar, Near I.T.I. Chowk, P.S. Dumra, District- Sitamarhi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate

For the Opposite Party No.1: Mr. Tapeshwar Sharma, APP

For the Opposite Party No.2: Mr. Alok Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 04-05-2017

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order of cognizance dated 20.12.2012 passed by the Sub-Divisional Judicial Magistrate, Sadar, Sitamarhi, in Sitamarhi P.S. Case No.229 of 2011 by which the learned Magistrate has taken cognizance under Section(s) 498-A/34 Indian Penal Code against the petitioners and other accused persons.

2. It has been submitted on behalf of the petitioners that they are parents-in-law of the Opposite Party No.2.

3. It has further been submitted that petitioner No.1, Markenday Mishra, has died during the pendency of this application



and, as such, this application in so far as petitioner No.1 is concerned has become infructuous.

4. In view of such, this application so far as it relates to petitioner No.1, Markenday Mishra, is dismissed as having become infructuous.

5. It is submitted by the counsel for the petitioner No.2 that the informant-Opposite Party No.2 has lodged series of cases against the petitioner No.1, 2 and others and in one of the case i.e. Mahila P.S. Case No.19 of 2012, proceeding against the petitioners has been quashed by a co-ordinate Bench of this Court by its order dated 18.01.2017 passed in Cr. Misc. No.52180 of 2013.

6. Learned counsel for the Opposite Party No.2 has submitted that the impugned order has been passed legally after proper appreciation of the allegation and evidence found during course of investigation.

7. From the Complaint Petition, which was sent to the Police under Section 156(3) Cr. P.C. for investigation, it appears that there is general and omnibus allegation against the petitioners that they tortured the informant by saying that she could not bear male child.

8. The Hon'ble Supreme Court in the case of *Geeta Mehrotra and another Vs. State of U.P. and another* reported in



2013 (1) PLJR 10, has held that proceeding against the parents-in-law on general and omnibus allegation has to be quashed as it has become very common these days to involve entire family members in a dispute under Section 498-A Indian Penal Code.

9. In view of such, order of cognizance dated 20.12.2012 passed by the Sub-Divisional Judicial Magistrate, Sadar, Sitamarhi, in Sitamarhi P.S. Case No.229 of 2011 taking cognizance against the petitioner No.2, Ashman Devi, under Section 498-A/34 Indian Penal Code along with entire criminal proceeding is hereby quashed.

10. The application is, accordingly, allowed.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18-05-2017
Transmission Date	18-05-2017

