

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4254 of 2016

Arising Out of PS. Case No.-937 Year-2011 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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1. Saroj Kumar, son of Ramjee Yadav
 2. Ramjee Yadav, son of Late Luxmi Yadav, Both resident of Village- Sahugadh Diwani Tola, Police Station and District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Nutan Devi, wife of Saroj Kumar Yadav, daughter of Sadanand Yadav resident of Village+P.O.- Sahugadh, Police Station and District- Madhepura, at present resident of Bhagwanpur Tola, Sahugadh Post Office- Sahugadh, Police Station + District- Madhepura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Yadav, Advocate
For the Opposite Party/s : Mr. Ashok Kumar, (APP)

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 04-04-2018

This application has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of an order dated 20th June, 2012 passed by the Sub-Divisional Judicial Magistrate, Madhepura taking cognizance and registering the complaint case No.937 of 2011 for offences under Section 323 and 498A of the Indian Penal Code.

As far as petitioner no.1 Saroj Kumar is concerned, there being specific allegations against him, learned counsel fairly prays for permission to withdraw the application as far as petitioner no.1 Saroj Kumar is concerned with liberty to raise all objections before the Court below and seek discharge in the matter. Accordingly, this



application against petitioner no.1 Saroj Kumar is concerned, it stands disposed of with the aforesaid liberty.

As far as petitioner no.2 Ramjee Yadav, who is father-in-law is concerned, from the material that have come on record, particularly the reading of the entire complaint, as is available from page 11, it is seen that omnibus general allegations with regard to harassment are made against him and the fact that he does not stay with his daughter in law and he states that the petitioner no.1 lives in a different place and it is on the general allegation levelled against him a case for prosecuting him under Section 498A of the Indian Penal Code is not made out. That apart, there is no iota of whisper with regard to offence committed by him under Section 323 of the Indian Penal Code. The allegation entirely is based on the acts of petitioner no.1 Saroj Kumar who has withdrawn the application and, therefore, based on the material that has come on record, prosecution of petitioner no.2, namely Ramjee Yadav, in my considered view, is unsustainable. It is a case where from bare reading of the complaint, no case is made out against petitioner no.2 Ramjee Yadav.

Accordingly, this application is allowed so far as petitioner no.2 Ramjee Yadav is concerned, the impugned order dated 20th Jun, 2012 so far as it pertains to petitioner no.2 Ramjee



Yadav passed in Complaint Case No.937 of 2011 registered by the Sub-Divisional Judicial Magistrate, Madhepura stands quashed. The Court below is free to proceed in the matter so far as petitioner no.1 Saroj Kumar is concerned.

(Rajendra Menon, CJ)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
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