

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11707 of 2015

Arising Out of PS.Case No. -233 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Bachcha Sharma son of Late Bhuneshwari Sharma
 2. Usha Devi w/o Bacha Sharma Both are resident of house no 30 Nehru Nagar, P.S. - Patliputra, District - Patna.

.... Petitioners

Versus

1. The State of Bihar.
2. Sindhu Devi wife of Ashutosh Kumar daughter of Sri Makeswar Sharma resident of Gola Road, near Rtd I.P.S. Safi Alam P.S. Danapur District - Patna.

.... Opposite Party

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Appearance :

For the Petitioners	:	Mr. Jitendra Kuimar Roy Mr. Hitesh Suman Ms. Usha Kumari Singh
For the State	:	Mr. Ajay Kumar – I, APP
For the Opposite party No. 2:	:	Mr. N.A.Shamsi Mr. Syed Ehteshamuddin

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

3 04-01-2018 Heard learned Counsel for the petitioner as well as the learned Counsel for the State as also the learned Counsel appearing on behalf of Opposite party No. 2.

The petitioners seek quashing of the cognizance order dated 22.4.2013 passed in Complaint Case No. 233 (C) of 2013 by the learned SDJM Patna, thereby taking cognizance of the offence under Section 498A of the IPC and under Section 4 of the Dowry Prohibition Act.

The brief fact giving rise to the case is that Sindhu Devi, the complainant (Opposite party No. 2) filed a complaint alleging therein



that her marriage was solemnized on 27.2.2009 with Ashutosh Kumar, son of the petitioners, who was employed as Programme Officer posted at Jagdishpur Block in the district of Bhojpur. Soon after marriage all accused persons started making grievance for not bringing adequate dowry particularly demand of a car made by the husband. It is also alleged that her husband used to torture and assault her.

Learned Counsel appearing on behalf of the petitioners submits that the petitioners are father-in-law and mother-in-law and there is no specific allegation against them, in fact the complainant always lived during her stay, with her husband at Jagdishpur and the petitioner No. 1 is a retired government employee living at Patna. The present complaint was filed after institution of divorce suit by the husband.

Learned Counsel for Opposite party No. 2 submits that there is general allegation against the petitioners and they are father-in-law and mother-in-law of the complainant.

Having considered the rival submission and on perusal of the record the Court finds that the allegation against the petitioners are sweeping in nature, specific allegation of making demand of car and money is against the husband who is a Programme Officer posted at Jagdishpur in the district of Bhojpur, whereas these petitioners reside at Patna, so only general and omnibus allegation is leveled against these two petitioners and except casual reference of their



names there is no specific overt act and now it has become a general tendency to implicate every family members in such cases who even do not reside with the couple.

Accordingly, the entire criminal proceeding inclusive of the cognizance order dated 22.4.2013 in Complaint Case No. 233 (C) of 2013 with respect to these two petitioners only is set aside. The criminal proceeding will continue against the husband.

The application stands allowed.

(Arun Kumar, J.)

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