

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33820 of 2015

Arising Out of PS. Case No.-763 Year-2010 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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1. Nilkanth Singh @ Laddu Singh @ Nilkanth Kumar Singh son of Late Narendra Narain Singh
 2. Supriya Singh wife of Nilkanth Singh Both 1 and 2 are resident of Village- Nakash, P.S.- Sonapur, District- Chapra

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rina Singh wife of Rakesh Kumar Singh, resident of Village- Shambhupur Koari, P.S.- Sarai, District- Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Prashant, Advocate
For the Opposite Party/s : Mr. T.P.Mandal(App)

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 18-04-2018

Seeking quashing of the order dated 27.7.2010 passed in criminal complaint bearing Complaint Case No.763(C) of 2010 passed by the learned S.D.J.M., Hazipur at Vaishali taking cognizance against the appellant under Sections 498A, 323, 406 of I.P.C. and Section 4 of the Dowry Prohibition Act, this application has been filed for quashing of the proceedings.

Respondent No.2 the complainant is the wife of Rakesh Kumar Singh and has filed the complaint petition in question against her husband Rakesh Kumar Singh, his father Shashi Singh and his mother Poonam Singh and has also



implicated the present applicant as accused No.5 and 6. The present applicants Nilkanth Singh @ Laddu Singh @ Nilkanth Kumar Singh and Supriya Singh are the brother-in-law and sister-in-law of the complainant respectively and they are staying separately from the family.

On a perusal of the complaint available from page 9 of the record, it is seen that in para 1 of the complaint general allegations, omnibus in nature, have been made to say that at the time of marriage all the accused persons demanded dowry, but due to intervention of the people present there, the matter was resolved and the marriage was solemnized. Thereafter from para 2 onwards, general allegations of demand of dowry are made against the husband, mother-in-law and father-in-law for demand of car and dowry. However, with respect to the present applicants, no specific allegations are made. Even it is not mentioned in the application as to when they came to the house of the husband of the respondent No.2, stayed with them and how and in what manner they committed the offence in question. It is a case where the entire family has been roped in by making general and omnibus allegation. Specific allegations are made only against the husband, father-in-law and mother-in-law who were staying with the complainant. So far as the present



applicants are concerned, they are not staying with the complainant. They are staying separately and only general and omnibus allegations are levelled against them.

Keeping in view the law laid down in the case of Gian Singh vs. State of Punjab, (2012) 10 SCC 303, Taramani Prakash v. State of Madhya Pradesh, (2015) 11 SCC 260, Amit Kapoor v. Ramesh Chander, (2012) 9 SCC 460 and Kans Raj vs. State of Punjab, (2000) 5 SCC 207, this application is allowed. The complaint, so far as it pertains to the present applicants, is quashed. The complaint may proceed against the husband, mother-in-law and father-in-law in accordance with law.

(Rajendra Menon, CJ)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	25.04.2018
Transmission Date	

