

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46273 of 2015

Arising Out of PS.Case No. -2553 Year- 2004 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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1. Anju Rani Verma @ Anju Rani Sinha Wife of Sri Hari Nandan Prasad Verma
 2. Hari Nandan Prasad Verma Son of Late T.N. Verma Both are resident of Mohalla - Chhoti Marai, Town, P.S. Hajipur, District - Vaishali
 3. Manju Srivastav @ Manju Sinha Wife of Sri Maheshanand Prasad
 4. Maheshanand Prasad @ Maheshanand Prasad Srivastav Son of Late Ram Chandra Prasad Verma Both are resident of village - Mahmud Chowk, P.S. Chapra, District - Saran
 5. Jyotsana Srivastav @ Jyoti Kumari Daughter of Sri Maheshanand Prasad Wife of Sri Akhilesh Kumar at Prabhunath Nagar, Dahiyawa Tola, Tari, P.S. Chapra, District - Saran
 6. Akankshi Kumari @ Runni Kumar Daughter of Sri Maheshanand Prasad Wife of Nipendra Kumar at Konhara Ghat, Hajipur, P.S. Town, District - Vaishali
 7. Jigyasha Verma @ Puja Kumari Daughter of Harinandan Prasad Verma Wife of Santosh Kumar at Kashipur, Town, P.S. Hajipur, P.S. Town, District - Vaishali
 8. Pallavi Verma @ Juli Kumari Daughter of Harinandan Prasad Verma Wife of Sri Ravi Shankar at Bhavdepur, Town, P.S. and District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Rekha Sinha Wife of Late Praveen Kumar Sinha at Mohalla - Nakhas Chowk, Town, P.S. Hajipur, District - Vaishali

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh

For the Opposite Party/s : Mr. Ashok Kumar Singh(App)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 18-04-2018 Applicants who were seeking quashing of Complaint Case No.2553 of 2004 registered against them vide order dated 15.06.2006 by the Sub Divisional Judicial Magistrate, Hajipur at Vaishali.

A perusal of the complaint available from page 2 indicates



that the complainant Rekha Sinha was married in the year 1995 to the youngest son of Sri Bishundeo Narayan Sinha, namely, Praveen Kumar Sinha. It is said that at the time of marriage, the parents of the complainant gave cash of RS.51,000/- and ornamental and cloth worth Rs.15,000/-. It is said that the family members of the husband started harassing her and, therefore, the complaint had been filed. As far as the present applicants are concerned, applicant No.1, Anju Rani Verma, applicant No.2, Hari Nandan Prasad Verma are sister-in-law and brother-in-law of the complainant, applicant No.3 and 4 are brother-in-law and sister-in-law and applicant No.5 to 8 all are their daughters, grand daughters. As far as present applicants are concerned, apart from the fact that they are living separately and not residing with the complainant is omnibus and general allegation are made against them no specific averments is made as to who and in what manner they have committed any offence under Section 498A of the Act. A perusal of the complaint case to show that it is very simple complaint about one a half pages in total and in the complaint, it is stated that the complainant was married to Sri Praveen Kumar youngest, son of Sri Bisundeo Narayan Sinha and at the time of marriage, a sum of Rs.51,000/- in cash and various ornamental, cloth etc. to the tune of Rs.15,000/- to be passed. In para 2, it is stated that the respondent No.1 and 2 is sister-in-law and others



are related to her husband thereafter in para 3, a general allegation is made to say that her husband and his parents used to harass her and demand dowry from her. Similarly in para 5, specific allegations are made with regard to mother-in-law and filing of the complaint in the police station being P.S. Case No.177 of 1996. Thereafter, in para 5 which is last para of the complaint, general omnibus allegation is made that on 1.9.2004, the complainant was harassed by her husband and all her in-laws and family members demanded dowry from her and started torching her. The perusal of the entire body of the complaint case to show present application are concerned, no specific overtact of harass is made. General allegations are made and respondents applicants 5 to 8 are the children and grant children of the brother-in-law and sister in law and no allegation is made against them. The perusal of the complaint in its totality and the statement of the complaint available on record goes to show that as far as present applicants are concerned, no specific allegations are made against them. They are only because of members of the family and prima facie keeping in view the law laid down in the Hon'ble Supreme Court reported in *(2012) 9 SCC 460 Amit Kapoor Vs. Ramesh Chander*, *(2015) 11 SCC 260 (Taramani Parakh Vs. State of Madhya Pradesh)*, *(2012)10 SCC 303 Gian Singh Vs. State of Punjab*, *(2000)5 SCC 207 (Kans Raj Vs. State of Punjab)*. It has been



held in this case after relying upon various other cases that the tendency to rope way of the family members in the matrimonial dispute by making omnibus allegations are sufficient in place of exercise jurisdiction under Section 482 of the Cr.P.C. against the relatives against whom omnibus and general allegation is made. In this regard, the principal considered and detailed by the Hon'ble Supreme Court in the case of Taramani Parakh (Supra) from para 10 of the case may be note of and if the aforesaid Principle, I have no hesitation in holding that in the present case as far as present applicants are concerned, no offence under Section 438 is made out against them. They have been involved in the matter only because they are relative to the husband of the applicant and in the absence of specific act attribute to them and material to show it is a fit case to jurisdiction of this Court under Section 482 can be exercised.

Accordingly, this Cr. Misc. application is allowed. The complaint Case No.2553 of 2004 based upon order of cognizance dated 15.06.2006 passed by learned S.D.J.M., Hajipur (Vaishali) is quashed.

(Rajendra Menon, CJ)

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