

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3103 of 2015

Arising Out of PS.Case No. -3131 Year- 2013 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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1. Awadh Sah Son of Ghutar Sah

2. Minia Devi W/O Awadh Sah

3. Rubi Devi D/O Awadh Sah

All are Resident of vill-Sahuriya,P.S-Jankinagar,Distt.-Purnea

.... Petitioner/s

Versus

1. The State of Bihar

2. Smt. Mana Devi Wife of Pradip Sah,D/O Chandra Kishore Sah, Presently
residing at Maternal Village &P.O- Rampur, P.S-Sour Bazar,Distt.-Saharsa

.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 08-01-2018

Heard learned counsel for the petitioners and learned
counsel for the O.P. No. 2 as well as learned counsel for the State.

2. Petitioners seek quashing of the cognizance order
dated 06.02.2014 passed by the Sub Divisional Judicial Magistrate,
Purnia in Complaint Case No. 3131 of 2013 thereby taking
cognizance of offence under Section498A of the Indian Penal Code.

3. The brief fact giving rise to the case is that
complainant was married with Pradeep Sah, son of the petitioners no.
1 and 2 of this application. 10 years prior to institution of the
complaint, 02 sons were also borne out from their wedlock and in
first-four years, relation was very good but thereafter all accused



persons started making further demand of Rs. 02 lacs in cash and in that connection they used to torture and ultimately ousted her from matrimonial home.

4. Learned counsel appearing on behalf of the petitioners submits that petitioners no. 1 and 2 are old parents of the complainant's husband and petitioner no. 3 is the *Nanad* and the allegation against them is general and omnibus and not specific.

5. Learned counsel for the O.P. No. 2 submits that these petitioners also used to make demand and torture the complainant to realize the demand and at the time of filing of complaint, petitioner no. 3 (*Nanad*) was unmarried.

6. Having considered the rival submissions and on perusal of record, the Court finds that allegations against these petitioners are general and omnibus except casual reference of their names, there is no any specific instance of any of the allegations of making demand of dowry and committing torture. It also appears from the statement of the complainant taken on oath on solemn affirmation particularly in reply to the court's question her grievance is mainly directed against her husband, as she says that her husband does not take care of her maintenance. So from the allegation levelled particularly against these three petitioners, no *prima facie* offence under Section 498A of I.P.C. is disclosed. Hence, the entire criminal



proceeding inclusive of cognizance order dated 06.02.2014 passed by the Sub Divisional Judicial Magistrate, Purnia in Complaint Case No. 3131 of 2013 with respect to these petitioners only, is hereby quashed.

7. The application stands allowed.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.01.2018
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