

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27215 of 2015

Arising Out of PS. Case No.-372 Year-2014 Thana- COMPLAINT CASE District- Lakhisarai

1. Rina Devi W/o Ram Pratap Ram
2. Ram Pratap Ram S/o Marji Ram
3. Ajay Kumar S/o Ram Pratap Ram
4. Sunita Devi W/o Ajay Kumar All are resident of village - Cheria Bariyarpur, Post Siripur, P.S. Cheria Bariyarpur, Distt. - Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sharmila Kumari D/o Sri Bachu Das R/o village - Nawabganj, Post - Ali Nagar, P.S. Suryagarha, Distt. - Lakhisarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajkumar Rajesh, Advocate
		Mr. Girish Chandra, Advocate
For the Opposite Party/s	:	Mr. Md.Arif(APP)

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 11-04-2018

None appears for the complainant, respondent No.2, even though served and represented by a Counsel. The case is being listed for the last one week and in spite of service of notice and being represented by a Counsel none is present for the respondent No 2.

As such, having heard learned Counsel for the applicants, learned counsel for the State and after perusing the record, I propose to proceed and deal with the matter in the following manner:



This is an application under Section 482 of Cr.P.C. seeking quashing of an order dated 23.8.2014 passed by the Judicial Magistrate, 1st Class, Lakhisarai in Complaint Case No. 372(C)/2014 by which cognizance has been taken for offences under Sections 498A, 406 and 504/34 of I.P.C.

Respondent is the wife married to one Shri Ranjan Kumar. It is alleged that the marriage was solemnized in the year 2010 on 24.10.2010 and gifts worth Rs.2,00,000/- along with a Motorcycle and other Gold and Silver ornaments were given at the time of marriage. After the complainant started living with the husband and his family members, they made a demand of Rs.4,00,000/- and started harassing her and, therefore, the complaint.

On a perusal of the entire complaint, which is available on record as Annexure 1, it is seen that general allegations are made against all the family members, but specific allegation made is only with regard to demand of Rs.4,00,000/- by the husband. As far as the present applicants are concerned, applicant No.1 Rina Devi is the mother-in-law, No.2 Ram Pratap Ram is the father-in-law, No.3 Ajay Kumar is the brother-in-law and No.4 Sunita Devi is the sister-in-law. In the complaint in question, no specific act is attributed to them. No specific instances of harassment with



specific particulars of date, amount and place are indicated. Only general allegations are made about demand and harassment on non-fulfilment of the same.

Keeping in view the law laid down by the Hon'ble Supreme Court in the cases 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, the complaint registered on the basis of such vague and omnibus allegations cannot be a ground for initiating action for an offence under Section 498 and finding the complaint to be not disclosing any cognizable offence against the present applicants, this application is allowed, cognizance of the complaint against these four applicants in Complaint Case No. 372(C)/2014 is quashed. However, liberty is available to the Court to proceed against the husband in accordance with law.

(Rajendra Menon, CJ)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	16.04.2018
Transmission Date	16.04.2018

