

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8869 of 2015

Arising Out of PS. Case No.-129 Year-2013 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. Birju Sharma
 2. Shambhu Sharma

Both are sons of Shri Jai Jai Ram Sharma R/o Jhamatia, P.S. - Bachhwara, Distt - Begusarai, Presently resident of Baba Sharma Chal, Balai Pada Road, Durga Mandir, Santosh Bhuvan Vasai, District - Thane, State - Maharashtra, Pin Code - 401209.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Manila Kumari, W/o Chandan Kumar Sharma, D/o Ram Kant Sharma R/o Bishunpur Tola, P.S. - Town, Distt - Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Smt. Sudha Ambastha, Advocate
For the Opposite Party/s : Mr. Ashok Kumar, APP

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

5 21-03-2018 Smt. Sudha Ambastha, learned counsel for the petitioner is present. None appears for the opposite party-complainant.

This application has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of proceedings initiated against the applicants Birju Sharma and Shambu Sharma in complaint Case No.129 -C- 2013 pending in the Court of Sub-Divisional Judicial Magistrate, Begusarai.

Complainant Manila Kumari filed a complaint alleging harassment and demand of dowry by the respondents. Based on



her statement recorded which is available at page no.11 of the record and the averments made in the complaint, cognizance of the complaint has been taken and notices have been issued to all the five respondents. As far as the present applicants Birju Sharma and Shambu Sharma, they are respondent nos. 4 and 5 in the complaint and are the brother of the respondent No.1 Chandan Kumar Sharma and son of respondent no.2 Jai Jai Ram Sharma and respondent no.3 Kamini Sharma.

According to the complaint, the complainant was married to respondent no.1 in the complaint Chandan Kumar Sharma, respondent no.2 in the complaint Jai Jai Ram Sharma is her father-in-law and respondent no.3 Kamini Devi is her mother-in-law and respondent nos.4 Birju Sharma and respondent no.5 Shambhu Sharma are shown to be brothers-in-law. On a perusal of the complaint, which is available at page 10 onward of the paper book and on going through each and every averment made in the complaint from para 1 to 14, it is seen that the main grievance made are with regard to harassment, demand of dowry and ill-treatment by respondent no.1, her husband Chandan Kumar Sharma, respondent no.2 Jai Jai Ram Sharma and respondent no.3 Kamini Devi. There is no whisper anywhere in the body of the complaint with regard to any ill



treatment, demand of dowry or harassment by the present applicants Birju Sharma and Shambhu Sharma. Neither in the body of the complaint filed nor in her statement before the Court under Section 200 of the Code of Criminal Procedure on 08.04.2014, is there any whisper or allegation made against the present applicants. According to the documents available on record, the present applicants are not staying in the house in question where the complainant is said to be staying with her husband. They are staying in Bombay and carrying with their professional activities in Bombay.

Taking note of the fact that neither in her statement recorded under Section 200 Cr.P.C., nor in the body of the complaint, there is any whisper with regard to any acts of commission or omission on the part of the present applicants in the matter of offence committed regarding demand of dowry, harassment and ill-treatment, it is a fit case where the application should be allowed and the proceedings initiated against the present applicants in complaint Case No.129-C/2013 should be quashed.

Accordingly, the application is allowed, proceedings initiated against the present applicants namely Birju Sharma and Shambhu Sharma, both sons of Shri Jai Jai Ram Sharma,



respondent no.2, are quashed. The Trial Court now should
proceed against the remaining respondents.

(Rajendra Menon, CJ)

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