

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4618 of 2016

Arising Out of PS. Case No.-945 Year-2013 Thana- COMPLAINT CASE District-
Kishanganj

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1. Guddi Kumari W/o Akhilesh Prasad Sinha @ Akhilesh Kumar Akhil,
 2. Akhilesh Prasad Sinha @ Akhilesh Kumar Akhil S/o Parmanad Sinha Both R/o Mohalla- Durgasthan, P.S.- Katihar, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Priyanka Kumari Verma W/o Amit Kumar Gupta @ Guddu R/o Village- Dumaria Bhattha, P.S.- Kishanganj, District- Kishanganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bal Krishna Mishra
For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 22-06-2018

This application has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of a criminal proceeding initiated by the Sub Divisional Judicial Magistrate, Kishanganj vide order dated 15.01.2014 passed in Complaint Case No. 945 of 2013 against the present applicants instituted under Sections 323, 498A, 379 of the Indian Penal Code.



Respondent no. 2 is married to Shri Amit Kumar Gupta @ Guddu and the marriage was solemnized on 14.03.2008. It is alleged that immediately after the marriage, the family members including the husband started demanding motor-cycle, dowry and harassment of the petitioner and complaining of harassment the complaint was filed. The complaint case has been filed not only against the husband, respondent no. 1 in the complaint Amit Kumar Gupta but also his father Shri Sudhir Kumar Gupta, accused no. 2, and his mother Archana Devi, accused no.3. As far as the present applicants Guddi Kumari and Akhilesh Prasad Sinha are concerned, they are the sister-in-law and her husband and after hearing learned counsel for the parties and on a perusal of the complaint and the statement of the complainant available at Annexure-2 the statement of her witnesses no. 1 Punam Verma, witness no. 2 Mala Devi and witness no. 3 Hiramani Devi it is clear that specific allegations have been made with regard to demand of dowry on the husband, the father-in-law and the mother-in-law. As far as the present applicants are concerned, with regard to applicant no. 1 Smt. Guddi Kumari only a general statement in the last paragraph of the complaint is made to say that Guddi Kumari also used to harass her by uttering words and tried to snatch her purse one day. However, no specific overtact is



attributed to applicant no. 2. The records also show that both the present applicants are not staying along with the complainant. They are staying in a separate district in a different house away from the complainant.

From the documents and the materials available on record it is seen that only omnibus general allegations have been made in the matter of demand of dowry against all the family members which include the present applicants also who are said to be living separately and not along with the complainant.

Keeping in view the aforesaid and the law laid down by the Hon'ble Supreme Court in the matter of such prosecution of all the family members as it contained in the cases of *Taramani Parekh vs. State of Madhya Pradesh [(2015) 11 SCC 260]*, *Amit Kumar vs. Ramesh Chandra [(2012) 9 SCC 460]*, *Kansraj vs. State of Punjab [(2000) 5 SCC 207]* and *Geeta Mehrotra vs. State of Uttar Pradesh [(2012) 10 SCC 741]* no case is made out for proceeding with the prosecution of the present applicants based on the general and omnibus allegations made against the present applicants. Therefore, the prosecution is unsustainable.

Accordingly, finding the prosecution of the present applicants in the complaint case to be wholly unsustainable this



application is allowed. The prosecution of the applicants initiated
are quashed.

The application stands allowed and disposed of.

(Rajendra Menon, CJ)

mrl./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	25.06.2018
Transmission Date	25.06.2018

