

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46532 of 2015

Arising out of Complaint Case No.-27208 Year-2014 Thana- PATNA COMPLAINT CASE
District- Patna

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1. Surendra Kumar Singh S/o Ramashrya Singh @ Ramashray Singh
 2. Ramashrya Singh @ Ramashray Singh S/o Late Mathura Singh
 3. Kalawati Devi W/o Surendra Kumar Singh
 4. Devesh Kumar Singh @ Devesh Kumar S/o Surendra Kumar Singh
 5. Pankaj Singh @ Pankaj Kumar Singh S/o Ramashrya Singh @ Ramashray Singh
 6. Indu Devi @ Indu Singh W/o Pankaj Singh @ Pankaj Kumar Singh All R/o village - Narayanpur, P.S. Mirganj, District Gopalganj At Present R/o Quator No. 180/5, Bhalu Basa near Shitala Mandir, P.S. Sitaram Dera, District - Jamshedpur (Jharkhand)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rani Kumari W/o Indresh Kumar Singh R/o village - Narayanpur, P.S. Mirganj, District - Gopalganj At Present R/o Rani Kumari C/o Rajesh Kumar Singh Road No. 2/D Ragivnagar, P.S. Ragivnagar, District - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate
For the Opposite Party/s :

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 02-05-2018

Seeking quashing of Complaint Case No. 27208(C) of 2014 registered by Smt. Sangeeta Rani, Judicial Magistrate, 1st Class, Patna on 17.03.2015 for offence under Section 498A I.P.C. this application has been filed by the applicants for quashing the proceedings exercising the jurisdiction of this Court under Section 482 Cr.P.C.

Respondent No. 2 Rani Kumari filed the



complaint in question impleading eight respondents as the accused persons. The six applicants herein have been impleaded as Respondent Nos. 2, 3, 4, 6, 7 and 8 respectively in the complaint. Applicant No. 1 Surendra Kumar Singh is the father-in-law of the complainant, Applicant No. 2 Ramashrya Singh @ Samashray Singh is the grandfather-in-law of the complainant, Applicant No.3 Kalawati Devi is the wife of Applicant No. 1 and mother-in-law of the complainant, Applicant No. 4 Devesh Kumar Singh @ Devesh Kumar is the brother-in-law of the complainant, Applicant No. 5 Pankaj Singh @ Pankaj Kumar Singh is the uncle-in-law of the complainant and Applicant No. 6 Indu Devi @ Indu Singh is wife of Applicant No. 5 and aunt-in-law of the complainant.

It is the case of the applicants that on the basis of omnibus and general allegations made without any cogent material the complaint has been registered and as the entire family members have been implicated in commission of the offence under Section 498A I.P.C., placing reliance on the following judgments prayer made is to quash the proceedings:-

1. Kans Raj Vs. State of Punjab and others-
(2000) 5 SCC 207
2. Amit Kapoor Vs. Ramesh Chander and



another- (2012) 9 SCC 460

3. Taramani Parakh Vs. State of Madhya Pradesh
and others- (2015) 11 SCC 260

4. Gian Singh Vs. State of Punjab and another-
(2012) 10 SCC 303

Learned counsel for the complainant, however, took me to the body of the complaint, the statement of the complainant and argued that as prima facie case is made out, at this stage, interference into the matter by exercising the extraordinary jurisdiction under Section 482 Cr.P.C. is not called for.

Having heard learned counsel for the parties and on a perusal of the complaint it is seen that the complainant in Paragraph 1 makes a general statement with regard to applicability of the Hindu Marriage Act, in Paragraphs 2, 3 up to Paragraph 6 she narrates certain instances of harassment after her marriage and in all these assertions made specific averments are only made with regard to her husband who is Accused No. 1 before the trial court. In none of the averments made from Paragraph 1 to 6 is there any whisper with regard to the act of the present applicants in harassing or demanding dowry from her. It is only in Paragraph 7 that an instance is narrated with



regard to something that happened on 17.06.2013 and in this also only Applicant No. 3 Kalawati Devi and Applicant No. 6 Indu Devi @ Indu Singh have been implicated with regard to certain acts of commission and omission which according to the petitioners amounts to harassment and demand of dowry. That apart, in Paragraph 7 certain vague and unspecified allegations are made against all the family members including the respondents from 3 to 7.

Having heard learned counsel for the parties and keeping in view the law laid down by the Supreme Court in the cases referred to hereinabove, I am of the considered view that except for specific allegations against the husband, Applicant No. 3 Kalawati Devi and Applicant No. 6 Indu Devi, there are no specific allegations attributable to any of the other applicants, merely because they are relatives, they have been implicated in commission of the offence.

Accordingly, in view of the law laid down in the case of **Amit Kapoor** (supra) and the principles indicated therein in Paragraph 27 and further the law laid down in the case of **Kans Raj** (supra) and the observations made by the Supreme Court with regard to interference into such matters in a proceeding under Section 482 Cr.P.C. as is made out from



Paragraph 9 onwards, I am of the considered view that this application has to be allowed in part so far as it pertains to applicants Surendra Kumar Singh, Ramashrya Singh @ Ramashray Singh, Devesh Kumar Singh @ Devesh Kumar and Pankaj Singh @ Pankaj Kumar Singh, as no specific allegations are made against them, only omnibus and general allegations with regard to demand of dowry is made against them.

Accordingly, the application, so far as these four applicants are concerned, are allowed. The proceedings (Complaint Case No. 27208(C)/2014 against them are quashed.

(Rajendra Menon, CJ)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	17.05.2018
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