

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50093 of 2015

Arising out of Complaint Case No.-369 Year-2014 Thana- JEHANABAD COMPLAINT
CASE District- Jehanabad

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1. Pramod Kumar son of Sri Raja Singh @ Hiradayanand Singh, resident of village- Sarmaipur, P.S. Karpi, District- Arwal.
 2. Radha Devi @ Kumari Radha Sinha wife of Sri Pramod Kumar, resident of village- Sarmaipur, P.S. Karpi, District- Arwal.
 3. Vikki @ Vishal Kumar @ Vishal Anand son of Pramod Kumar, resident of village- Sarmaipur, P.S. Karpi, District- Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arti Kumari wife of Sri Ashok Kumar, resident of village- Sarmaipur, P.S. Karpi, District- Arwal presently residing at village- Brijlal Bigha, P.O. Pakharpur, P.S. Arwal, District- Arwal

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Mistry, Advocate

For the Opposite Party/s :

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 02-05-2018

Seeking quashing of Complaint Case No. 369 of 2014 registered vide order dated 02.02.2015 by the learned Sub Divisional Judicial Magistrate, Arwal for offence under Section 498A I.P.C., this application has been filed.



Respondent Arti Kumari filed the complaint in question against her husband Sri Ashlok Kumar, her mother-in-law, father-in-law and other relatives. As far as the present applicant Promod Kumar is concerned, he is the elder brother of the complainant's husband and Applicant No. 2 Radha Devi @ Kumari Radha Sinha and Vikki @ Vishal Kumar @ Vishal Anand are his children. As far as the present applicants are concerned, it is alleged that only omnibus and general allegations are made against them. No specific overt act is attributed to them with details of the acts of commission and omission. Inviting my attention to judgments of the Supreme Court in the case of **Neelu Chopra Vs. Bharti- (2009) 10 SCC 184, Geeta Mehrotra and Another Vs. State of Uttar Pradesh and Another-(2012) 10 SCC 741 and Preeti Gupta and Another Vs. State of Jharkhand and Another- (2010) 7 SCC 667** and a judgment by a coordinate Bench of this Court in the case of **Surendra Prasad @ Sukan Sah & Ors. Vs. The State of Bihar & Anr. reported in 2017 (1) PLJR 923** learned counsel argues that when general and omnibus allegations are only made without any specific averments with regard to the acts of commission and omission on the part of the present applicants which would constitute an offence under Section



498A I.P.C. the complaint so far it pertains to the present applicants is liable to be rejected.

Even though learned counsel for the respondent refuted the aforesaid and argued that specific averments have been made with regard to the acts of commission and omission on the part of the present applicants but on a perusal of the body of the complaint it is seen that except for making general allegations with regard to the present applicants without any specific detail with regard to the dates and the acts of harassment caused to them the complaint is primarily against the husband and the in-laws and against the present applicants there are no specific averments made.

Keeping in view the law laid down by the Supreme Court in the cases referred to hereinabove particularly the consideration made in the case of **Surendra Prasad @ Sukan Sah** (supra) by a coordinate Bench of this Court, I find that in this case except for making general allegations against the present applicants no ingredients necessary for constituting an offence under Section 498A I.P.C. is made out. In the case of **Surendra Prasad @ Sukan Sah** (supra) also similar allegations general in nature made has been considered and identical complaint dismissed by the coordinate Bench of this Court.



Keeping in view all these factors and the nature of complaint made by the complainant, I find the contention of the petitioners to be correct.

Accordingly, this application is allowed, the proceedings of Complaint Case No. 369 of 2014 are quashed so far as it relates to the present three applicants.

(Rajendra Menon, CJ)

P.K.P./-

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

