

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31647 of 2014

Arising Out of PS.Case No. -16 Year- 2011 Thana -BARUN District- AURANGABAD

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1. Ghura Yadav, S/o Late Raghuni Yadav
 2. Pradeep Kumar, S/o Ghura Yadav
 3. Dilip Kumar, S/o Ghura Yadav
 4. Bebi Devi, W/o Dilip Kumar
 5. Sumitra Devi, W/O Ghura Yadav
- All are resident of village - Mauaar Khaira, P.S. Baroon, Distt. Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Gurida Devi, wife of Raju Kumar, resident of vill.Mauar Khaira, P.S. Baroon, Distt. Aurangabad. At present Guriya Devi, d/o Brahamdeo Yadav, P.s. Jamhore, Distt. Aurangabad(Bihar).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh, Advocate.
For the State : Dr. Rabindra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 14-05-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 09.6.2014 passed by the learned Sub Divisional Judicial Magistrate, Aurangabad in G.R. No. 135 of 2011, Tr. No. 1562 of 2014 arising out of Baroon P.S. Case No. 16 of 2011 by which the learned Magistrate has rejected the discharge petition filed by the petitioner under Section 239 Cr. P.C.

2. The prosecution case is that marriage of the informant (Guria Devi) was solemnized with Raju Kumar on 22.05.2004 according to Hindu custom. It is alleged that father of the informant gave various articles including cash at the time of marriage as mentioned in



the written report. It is further alleged that after some days of the marriage, the informant was tortured in her sasural by the husband and his other family members for demand of four wheelers and when the informant showed his inability, then she was assaulted. A panchayti was also held but the accused persons did not obey the Panchayati.

3. Heard learned counsel for the petitioners and learned counsel for the State.

4. Learned counsel for the petitioners has submitted that these petitioners are father-in-law, mother-in-law, *Dewar*, *Gotni* and *Nanad* of the informant. They have no concern with the affairs of the informant and her husband.

5. Notice was issued to the opposite party No. 2 which has been validly served. The name of counsel for the opposite party No. 2 is also appearing in the cause list, but none appeared on her behalf at the time of hearing of the petition.

6. This Court after looking into the allegation in the written report finds that general and omnibus allegation has been levelled against these petitioners. This Court also finds that there is general trend to implicate all the family members of the husband in a family dispute arising between husband and wife.

7. The Hon'ble Supreme Court in a decision reported in *PLJR 2013 (1) SCC Page 10 (Geeta Mehrotra Vrs. State of U.P.)* has held that proceeding against the in-laws on general and omnibus



allegation has to be quashed as it has become very common to involve entire family members in a case under Section 498-A of the Indian Penal Code. Therefore, continuation of criminal proceeding against these petitioners is mere harassment to them and abuse of process of law.

8. Report was called for from the court below which has been received. From the report it appears that charge has been framed against these petitioners along with other co-accused persons on 04.11.2015 and the case is pending for evidence.

9. This Court from the materials available on the record as well as allegation in the written report finds that continuation of Criminal Proceeding against these petitioners will be abuse of the process of law.

10. Therefore, the entire proceedings along with the impugned order dated 09.6.2014 passed by the learned Sub Divisional Judicial Magistrate, Aurangabad in G.R. No. 135 of 2011, Tr. No. 1562 of 2014 arising out of Baroon P.S. Case No. 16 of 2011 against the petitioners is hereby quashed.

11. This Criminal Miscellaneous application is accordingly allowed.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	AFR
CAV DATE	N.A.
Uploading Date	22/05/2018
Transmission Date	22/05/2018

