

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3169 of 2016

Arising Out of PS. Case No.-527 Year-2012 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

1. Anpurna Devi, wife of Late Ram Belas Singh
2. Sunita Devi @ Sunita Kuwar
3. Sheela Devi Both daughters of Late Ram Belas Singh All resident of Village- Satwar, Paschia Tola, Police Station- G.B. Nagar, Tarwara, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Renu Devi, wife of Dharmendra Singh at present Resident of Village- Jigna Jagarnath, Post Office and Police Station- Mirganj, District- Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate
For the Opposite Party/s : Mr. S.Dayal(APP)

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 02-05-2018

Seeking quashing of the order dated 29.6.2012 passed by the Judicial Magistrate, 1st Class, Gopalganj, 63 in Complaint Case No.527 of 2012 and Trial No.3789 of 2012 taking cognizance for offences under Section 498A of I.P.C., this application has been filed under Section 482 of Cr.P.C.

Applicant No.1 Anapurna Devi is the mother-in-law. She is more than 78 years of age and applicant Nos.2 and 3, namely Sunita Devi @ Sunita Kuwar and Sheela Devi respectively are the daughters of applicant No.1. It is alleged that the respondent



complainant Renu Devi was married to Dharmendra Singh on 12.5.2005 according to Hindu rites and rituals. Thereafter it was brought to the notice of the complainant that her husband was having illicit relationship with a woman of his village and due to that the husband started harassing her and lastly threw her out of her in-laws' place. Making general allegations against these applicants also to say that they also abetted in commission of the offence by the husband, the complaint has been filed.

A perusal of the complaint goes to show that omnibus and general allegations are made against the applicants. There is no specific assertion with regard to the acts of commission or omission by the present applicants. There is no mention of any period or kind of harassment undertaken. Except for making general allegations, there is no specific averment with regard to the assault or harassment by the husband.

In view of the above, keeping in view the law laid down in the cases of Gian Singh vs. State of Punjab, (2012) 10 SCC 303, Taramani Prakash v. State of Madhya Pradesh, (2015) 11 SCC 260, Amit Kapoor v. Ramesh Chander, (2012) 9 SCC 460 and Kans Raj vs. State of Punjab, (2000) 5 SCC 207 and the nature of allegations made against the present applicants, which are general in nature, omnibus without any specific details, it is a fit case



where the proceedings against the present applicants should be quashed.

Accordingly, the application is allowed. The order dated 29.6.2012 passed by the Judicial Magistrate, 1st Class, Gopalganj, 63 in Complaint Case No.527 of 2012 and Trial No.3789 of 2012 taking cognizance for offences under Section 498A of I.P.C. is quashed in respect of these applicants.

(Rajendra Menon, CJ)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17.05.2018
Transmission Date	17.05.2018

