

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21759 of 2015

Arising Out of PS. Case No.-247 Year-2013 Thana- PATNA COMPLAINT CASE District-
Patna

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Renu Devi @ Renu Kumari, Daughter of Suresh Prasad, and wife of Ravindra Kumar, resident of village - Damua, P.S. Kako, District – Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Anu Devi. Wife of Bhushan Prasad. resident of village - Varma, P.S. Kako Pali, P.O. Varma, District – Jehanabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dudh Nath Singh, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha (APP)

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 25-04-2018

Seeking quashing of an order of cognizance dated 08.11.2013 and registration of Complaint Case No.247(C) of 2013 by the learned Judicial Magistrate, Masaurhi, this application has been filed under Section 482 of the Code of Criminal Procedure. The cognizance has been taken against the applicant under Section 498A of the Indian Penal Code.

The complainant Anu Devi had filed the complaint in question and it was her contention that complainant marriage was performed with accused no.1 Bhushan Prasad in Surya Mandir, Mani Chak Masaurhi on 11.07.2002. Sufficient gifts and other valuables were given at the time of marriage. In spite thereof, the accused persons are demanding dowry and harassing her. It is



further said that the first marriage of the complainant was solamanized with one Akhilesh Prasad of Village Varma and making serious allegations with regard to demand of dowry and harassment, the complaint has been filed.

As far as present petitioner Renu Devi @ Renu Kumari is concerned, she is only a member of the family related as sister-in-law to the complainant. She does not reside in the house in question. A perusal of the complaint goes to show that no specific allegations are levelled against her. Omnibus allegations are levelled on the ground that she is a member of the family.

Keeping in view the nature of allegation levelled and the law laid down by the Hon'ble Supreme Court in the case of **Gian Singh Versus State of Punjab and another, (2012) 10 SCC 303; Taramani Parakh Versus State of Madhya Pradesh and others, (2015) 11 SCC 260; Kans Raj Versus State of Punjab and others; (2000) 5 SCC 207; and Amit Kapoor Versus Ramesh Chander and another, (2012) 9 SCC 460**, I find no case made out for prosecuting the present applicant as *prima facie* case against her for constituting an offence under Section 498A of the Indian Penal Code is not made out.



Accordingly, the application is allowed, the proceedings of the complaint registered bearing Complaint Case No.247(C) of 2013 against the present petitioner are quashed.

(Rajendra Menon, CJ)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
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