

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29007 of 2015

Arising Out of PS.Case No. -3621 Year- 2014 Thana -SARAN COMPLAINT CASE District-
SARAN

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1. Arun Kumar Singh S/o Late Mahadev Prasad Singh
2. Indu Devi @ Indu Singh W/o Arun Kumar Singh Both residents of Quarter No. 1288, P.S. Bokaro Steel Plant, District- Bokaro
3. Akansha Singh D/o Arun Kumar Singh, r/o Quarter No. 1288, P.S. Bokaro Steel Plant, District- Bokaro, At present W/o Dr. Sumit Anand, R/o Flat No. B-3, Prapti Apartment, Naktala, P.S.- Jadopur, District- Kolkata
4. Namrata Singh, D/o Arun Kumar Singh, r/o Quarter No. 1288, P.S. Bokaro Steel Plant, District- Bokaro, At present W/o Kundan Kumar Singh R/o village Dabura Khurd P.S.- Aurangabad (M), District- Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar
2. Purwa Singh, W/o Vikrant Priyadarshi R/o village Bhawani Gachi, Dumari Bazar, P.S. Dumaria, District- Motihari, at present D/o Arun Kumar Singh, R/o of village Bhuily, P.S.- Ekma, District- Saran at Chapra

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh
For the State : Mr. Ajay Kumar I
For Opp Party No. 2 : Mr. Devendra Narayan Singh

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 23-03-2018

Challenging the order dated 15.06.2015 passed by the learned Judicial Magistrate 1st Class, Saran at Chapra, in Complaint Case No. 3621/2014, Trial No. 5129/2015 for offence under Section 323 and 498A/34 IPC against all the applicants, this application has been filed under Section 482 CrPC.

The complainant was married to one Vikrant Priyadarshi, son of respondent nos. 1 and 2, and brother of respondent nos. 3 and



4. Respondent nos. 3 and 4 after their marriage are said to be living separately. Making general allegation about demand of dowry on all the four applicants and her husband Vikrant Priyadarshi with whom she was married on 7.3.2014, the complainant filed the complaint case and in the complaint which is available from page-12, a very short complaint about ten paragraphs general and omnibus allegation with regard to demand of dowry is made. It is only stated that the respondents were demanding dowry and gift inspite of the fact that more than Rs.10 lakhs was paid at the time of marriage and ornaments with other gifts of Rs.8 lakhs were also given. Accordingly, general allegations are made that the applicants and their family members are demanding Rs.5 lakhs as dowry. Even though specific allegations are made against the husband in the complaint no allegation specific in nature is made against the applicants. Neither the date, time or the place where such demands were made are indicated in the body of the complaint. Merely based on the general and omnibus allegation the complaint has been made. From the material that has come on record it is seen that the complainant is staying with her husband who is working as an Electrical Engineer and is posted in Bhagalpur district. Applicant nos. 1 and 2 who are the father-in-law and mother-in-law of the complainant. They were staying in Bokaro as the applicant no.1 was



an Assistant Manager in Bokaro Steel Plant, now in the State of Jharkhand and applicant no. 3 is married and is staying with her husband in Kolkata and applicant no. 4 is also married and staying with her husband in some other place. That being so, with regard to the allegations made by the complainant against the four petitioners herein there has to be specific averments as to how, when and where they demanded dowry and harassed her. On a complete reading of the complaint and the statements of CW 1 Arun Kumar Singh, father of the complainant, CW 2 K K Singh, maternal uncle of the complainant and CW 3 Chitranjan Kumar Singh, uncle of the complainant, it is seen that vague and omnibus allegations are made without indicating any specific detail pertaining to the date, time and place where these offences of demand of dowry and harassment were made. Except for the fact that certain specific allegations are available against the husband Vikrant Priyadarshi who is not a party in the proceeding, with regard to the four applicants general allegations have been made. Based on these general allegations and the law laid down by the Supreme Court in the case of Gian Singh vs. State of Punjab [(2012) 10 SCC 303], I am of the considered view that no offence against the present applicants are made out for the purpose of taking cognizance against them. It is a case where on a bare reading of the complaint that has come on record against the



present four applicants no offence is made out and, therefore, it is a fit case where this application should be allowed and the complaint in so far as it pertains to the four applicants should be quashed.

Accordingly, this application is allowed, order dated 15.06.2015 passed in Complaint Case No. 3621 of 2014/ Trial No.5129 of 2015 against the present four applicants are quashed.

The application stands allowed.

The trial court can proceed in the matter only against the remaining accused except the four applicants herein.

(Rajendra Menon, CJ)

mrl./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	27.03.2018
Transmission Date	27.03.2018

