

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41779 of 2014

Arising Out of PS. Case No.-164 Year-2013 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. Savitri Lal W/o Late Binod Shankar Lal
 2. Shalini Rani @ Sony D/o Late Binod Shankar Lal
 3. Ilin Isu @ Itin D/o Shalini Rani Resident of Mohalla Fatima Nagar, Near Big Bazar, manish Darshan B 401, Fifth Floor, P.S. Mandhawa, District Pune (Maharastra).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Smita Kumari @ Mikki W/o Brajesh Shankar Lal, D/o Sri Ram Kumar Prasad Resident of Loknathpur, Ward No. 10, P.S. Dalsingsarai, District Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhay Kumar Thakur, Advocate Ms. Swathi Sinha, Advocate Mr. Nilesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Abhay Kr.Roy, A – 11
For the Informant	:	Mr. Shashi Bhushan Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 20-07-2018

This is an application filed under section 482 of Cr.P.C. by the applicants who are the mother-in-law, sister-in-law, and her daughter seeking quashing of a proceeding initiated by the Sub-Divisional Judicial Magistrate, Dalsingsarai in Trial No. 1281 of 2014 by registering of a complaint, taking cognizance of it on 11.06.2013 for offences under Sections 498 A, of I.P.C. and 3/4 of Dowry Prohibition Act.



On a scrutiny of the complaint, which is available on record, it is clear that the marriage of the complainant with one Brajesh Shankar Lal @ Raja, S/o Late Binod Shankar Lal, was solemnized on 18.02.2013 and she lived with her in-laws for 10 days and went to Pune to her husband where she lived up to 13.03.2013. It is averred in the writ petition that the husband was working in an establishment and for going to the office, family members demanded a car from the brother of the complainant, and when this demand was not fulfilled, she was harassed by directing her to bring water from the down stairs and treated her as a made servant.

It is the case of the applicants that as far as the present applicants are concerned, on a bare reading of the complaint, no specific act of commission and omission is attributed to them. The allegations are with regard to demand of dowry by the husband and even if there is harassment, the same is not established on a perusal of the complaint. It is an admitted position that in ten days, the respondent left the matrimonial house and is staying in her house and only to falsely implicate the in-laws, this case has been lodged.

Rebutting the aforesaid contention, standing counsel for the respondent argues that the statements in the application or on



affidavit and, therefore, at this stage in a proceeding under Section 482 Cr.P.C. interference should not be made.

He further invites my attention to certain orders passed in Cr.Misc. Nos. 20336/2014, and 24740/2014 to say that in spite of having compromised the matter, benefit of the compromise is not been extended to the complainant, respondent No. 2.

I am of the considered view that as far as the present application is concerned, it is by the mother-in-law, sister-in-law, and the daughter of sister-in-law for quashing the proceedings initiated against them and on a bare reading of the complaint as has been detailed hereinabove, I am of the firm opinion that no ingredients for constituting an offence under Section 498 A of I.P.C. or 3/4 of Dowry Prohibition Act are available and, therefore, it is a fit case where keeping the law laid down in the following cases 2015 (11) SCC 260, Taramani Prakash Vs. State of Madhya Pradesh & Ors., 2012 (9) SCC 460, Ankit Kapoor Vs. Ramesh Chandra & Anr. and 2014 (16) SCC 551, Kailash Chandra Agarwal & Anr. Vs. The State of Uttar Pradesh & Ors., wherein the system of implicating the entire family of the husband on false and fabricated allegations by vague and unspecific allegations has been deprecated by the Hon'ble Supreme Court and it has been held that in such circumstances an application under Section 482 Cr.P.C. is



maintainable and the High Court can quash the proceedings, if satisfied, that the reading of the complaint does not constitute commission of an offence against the applicant.

In the present case all the aforesaid three judgments squarely apply and I have no hesitation in holding that based on the vague and unspecified allegations no case is made out. As far as the issue of the High Court interfering into the matter Cr.Misc. No. 20336 of 2014 and 24740 of 2014 is concerned, a perusal of the documents and the orders produced clearly goes to show that therein the dispute was between the present applicant and her husband Sri Brajesh Shankar Lal @ Raja and the compromise has been entered into between the husband and the present respondent complainant and if the compromise is not being honoured by the husband, the respondent complainant is free to take action against the husband who was the person who had entered into the compromise in the 2 miscellaneous cases. So far as the present applicants are concerned, as no offences against them are made out, I have no hesitation in allowing this application.

Accordingly, this application is allowed and the proceedings initiated against the applicants by the Sub-Divisional Judicial Magistrate, Dalsingsarai in Trial No. 1281 of 2014 by registering of a complaint, taking cognizance of it on 11.06.2013



for offences under Sections 498 A, of I.P.C. and 3/4 of Dowry Prohibition Act, so far as it relates to the present three applicants, are quashed. The proceedings may go on against the husband or any other accused who has not approached this Court.

(Rajendra Menon, CJ)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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