

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52424 of 2015

Arising out of Complaint Case No.-889 Year-2014 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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1. Nand Kishore Singh Son of Late Mathura Singh
 2. Madhuri Devi Wife of Nand Kishore Singh
 3. Santosh Singh Son of Nand Kishore Singh
 4. Savitri Devi Wife of Santosh Singh
 5. Mamta Devi Daughter of Nand Kishore Singh All are residents of Village - Chandimou, Police Station - Silao in the district of Nalanda, Presently resident of Vikas Kinder Garden, Shakuntala Nagar, Nawada, Police Station - Nawada in the district of Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Indu Devi Wife of Kumod Ranjan, Daughter of Late Ram Autar Singh resident of Village - Manwan, Police Station - Hisua in the district of Nawada.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the Opposite Party/s : Mr. Ashraf Ansari (APP)

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

4 04-07-2018 Learned counsel for the petitioners prays for permission to withdraw the petition so far as it pertains to Applicant No. 1 Nand Kishore Singh and Applicant No. 2 Madhuri Devi wife of Nand Kishore Singh with liberty to raise objections before the court below and seek their discharge. He is permitted to do so.

As far as Applicant No. 3 Santosh Singh, Applicant No. 4 Savitri Devi and Applicant No. 5 Mamta Devi are concerned, they are the brother-in-law, sister-in-law and



daughter of the sister-in-law and on a perusal of the body of the complaint it is seen that no specific allegation has been made against them. It is only stated that the complainant's husband had some relation with Applicant No. 4 and when she objected, her husband started harassing her. That apart, the statement made in the complaint that when the husband got appointment as Station Master in the year 2013, the in-laws and others started harassing her. However, apart from accusing the husband and the in-laws, no specific acts of commission and omission are alleged in the body of the complaint against the present three applicants namely Santosh Singh, Savitri Devi and Mamta Devi. Only omnibus and general allegations with regard to harassment has been made against them.

Keeping in view the law laid down by the Supreme Court in the following cases :

(1). Minu Kumari Vs. State of Bihar- (2006) 4 SCC 359,

(2). HMT Watches Ltd. vs. M.A. Abida-(2015) 11 SCC 776, and

(3). Taramani Parakh Vs. State of Madhya Pradesh- (2015) 11 SCC 260

it is a fit case where the application so far as it pertains to three applicants now prosecuting the matter i.e. Santosh Singh, Savitri



Devi and Mamta Devi is required to be allowed. Accordingly, the application is allowed so far as Applicant Nos. 3, 4 and 5 are concerned and order dated 21.07.2014 passed by the Sub-Divisional Judicial Magistrate, Nawada in Complaint Case No. C 889 of 2014 so far as it pertains to applicants Santosh Singh, Savitri Devi and Mamta Devi are concerned stands quashed and they are discharged of the proceedings. Necessary correction in the cause-title for deleting the name of Applicant Nos. 1 and 2 be carried out during the course of the day.

(Rajendra Menon, CJ)

P.K.P./R.S.Sen-

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