

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 29037 of 2014

Arising Out of Complaint Case No.-461 Year-2013 Thana- AURANGABAD COMPLAINT
CASE District- Aurangabad

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1. Sangita Kumari, Daughter of Late Deonandan Yadav, Resident of Village+P.O+P.S. Chanchet, near Missan School, District- Dhanbad (Jharkhand).
 2. Gita Devi, Wife of Baijnath Yadav.
 3. Baijnath Yadav, Son of Shivrindan Yadav.
Both resident of Village+ P.O.+ P.S. Panchet, near Missan School, District Dhanbad (Jharkhand).
 4. Muniya Devi, Wife of Shambhu Yadav.
 5. Shambhu Yadav, Son of Late Police Yadav.
Both Resident of Village+P.O.+ P.S. Panchet, near Missan School, District- Dhanbad (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puspa Devi D/o Dew Pujan Yadav, Village-Mayapur, P.O.- Dhanalla, P.S.- Daudnagar, District- Aurangabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.
For the Opposite Party/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 07-01-2019

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Despite valid service of notice to opposite party no. 2
nobody appeared on her behalf when the matter was taken up and
heard.



3. The petitioners have moved the Court under Section 482 of the Code of Criminal Procedure, 1973 for the following relief:

“That this is an application for quashing the order dated 17.12.2013 passed by learned S.D.J.M. Daudnagar, Aurangabad in Complaint Case No. 461 of 2013, whereby and where under the learned court below has taking cognizance under Section 498A, 323 of I.P.C.”

4. The opposite party no. 2 filed Complaint Case No. 461 of 2013 against the petitioners and her husband, who is not a party here. The petitioners no. 1, 2 and 4 are the sisters of the husband of the opposite party no. 2 whereas the petitioners no. 3 and 5 are the husbands of the petitioners no. 2 and 4 respectively. The allegation against all the accused is general and omnibus of torture and demand of dowry. However, there is also specific allegation of assault by iron rod but the same is against the other co-accused husband and not these petitioners.

5. Learned counsel for the petitioners submitted that they are the sisters and brothers-in-law of the husband of the opposite party no. 2 and only because of such relationship they have been made accused. Learned counsel submitted that at best, it is a dispute between the husband and the wife but the petitioners have no role in such relationship or for whatever might have



happened between the couple. Learned counsel submitted that the allegations are wage and omnibus and nothing specific.

6. Learned A.P.P. could not controvert the fact that the allegations against the petitioners are vague and omnibus without any specific instances.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that a case for interference has been made out. The petitioners being the close relatives of the husband and what has been narrated in the complaint clearly indicate that the same has been done to harass the family of the husband without there being any direct role played by them. The same clearly appears to be with *mala fide* intention for wreaking vengeance.

8. For the reasons aforesaid, the application is allowed. The entire Complaint Case No. 461 of 2013 along with the order taking cognizance dated 17.12.2013 under Section 498A and 323 of the Indian Penal Code, as far as it relates to the petitioners, stand quashed.

(Ahsanuddin Amanullah, J)

P. Kumar

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