

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28314 of 2016

Arising Out of PS. Case No.-940 Year-2012 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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1. Saryulal Shastri Son of Late Chhatu Sah
 2. Pramila Devi Wife of Saryulal Shastri
 3. Chandan Kumar Son of Saryulal Shastri
 4. Maya Kumari Daughter of Saryulal Shastri
- All are residents of Chandan Market, Beur Jail Road, Police Station - Beur in the district of Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Madhuri Gupta @ Seema Kumari Daughter of Ram Chandra Prasad Gupta resident of Bijali Colony, Police Station - Jehanabad in the district of Jehanabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Sunil Kumar, Advocate
For the Opposite Party/s :	Mr. Anil Kumar Singh, APP
For the Opposite Party No.2:	Mr. Arvind Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 09-01-2020

Heard learned counsel for the parties.

2. This application under Section 482 Cr.P.C. is for quashment of order dated 12.08.2014 passed in Complaint Case No.940 of 2012 whereby the learned Judicial Magistrate, 1st Class, Jehanabad, has taken cognizance against the petitioners and others for offence under Section 498A of the Indian Penal Code.

3. The challenge is on the ground that cognizance



has been taken in a mechanical manner without considering the fact that the complainant has not alleged anything against the petitioners who are relations of the husband.

4. Learned counsel for the informant submits that the petitioners have filed twice petition for discharge before the Court-below which are pending under consideration. Hence, this application is infructuous.

5. Petitioner Saryulal Shastri is already dead. Hence, his prayer is dismissed as infructuous.

6. The complainant, who is wife of co-accused Manish Gupta, has stated in her statement on oath before the Magistrate that she filed the complaint case against the petitioners and her husband. She was married on 30.09.2009 with Manish Gupta before the Notary Public. Thereafter, she solemnized marriage in a temple as well at Bela in the district of Gaya.

7. After marriage the complainant came to her matrimonial house in Mohalla Beur in the town of Patna. She stayed there for one month and thereafter along with her brother she went to her parents house. From parents house the husband took her to Nagpur where he was doing business. For one year the complainant remained at Nagpur and she gave birth to a



female child. Thereafter, she again came to her parents house at Jehanabad along with her husband. Thereafter, husband did not come and he was demanding rupees one lac as dowry. That much is the statement of the complainant, which evidently shows that there is no allegation against the petitioners.

8. False implication with intent to harass the relations of the husband has been concern of the Courts since long. Reference may be made to **Preeti Gupta and Another Vs. State of Jharkhand and Another** reported in AIR 2010 SC 3363, **Geeta Mehrotra and Another Vs. State of U.P. and Another** reported in (2012) 10 SCC 741. Considering the cases aforesaid in **Shivji Rai Vs. The State of Bihar** reported in 2013(3) PLJR 139 and again in **Ajay Kumar Chaudhary and Others Vs. The State of Bihar and Another** reported in 2014(3) PLJR 263 a Bench of this Court observed as follows:

“7. It is also a matter of common knowledge that exaggerated versions of the incident are reflected in a large number of complaints. The tendency of over implication has become affair of the day that has been noticed by the Hon'ble Supreme Court in the case of Preeti Gupta and Another vs. State of



Jharkhand and Another, reported in A.I.R. 2010 SC 3363 [: 2010(4) PLJR (SC)36] and recently the Hon'ble Supreme Court in the year 2012 in the case of Geeta Mehrotra and Another vs. State of U.P. and Another passed in Criminal Appeal No. 1674 of 2012 in paragraph nos. 14, 17, 19, 20, 21 and 27 where in the similar fact and situation the Hon'ble Supreme Court has held that now it became tendency in general to rope all the family members in a case under Section 498A of the Indian Penal Code in order to (sic) undue harassment to the family members. It will be appropriate to quote paragraph nos. 34 and 35 of the aforesaid judgment in the case of **Preeti Gupta** (supra) :—*

34. Unfortunately, at the time of filing of the complaint the implications and consequences are not properly visualised by the complainant that such complaint can lead to insurmountable harassment, agony and pain to the complainant, accused and his close



relations.

35. The ultimate object of justice is to find out the truth and punish the guilty and protect the innocent. To find out the truth is a Herculean task in majority of these complaints. The tendency of implicating the husband and all his immediate relations is also not uncommon. At times, even after the conclusion of the criminal trial, it is difficult to ascertain the real truth. The courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of harassment of husband's close relations who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complainant are required to be scrutinised with great care and circumspection.”



9. Since no allegation is there against the petitioners continuance of criminal prosecution is apparently an abuse of the process of the Court against the petitioners. Hence, the impugned order and entire subsequent proceeding stands hereby quashed in respect of petitioners, namely, Pramila Devi, Chandan Kumar and Maya Kumari.

10. This application is allowed accordingly.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.01.2020
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