

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19099 of 2023

Arising Out of PS. Case No.-433 Year-2020 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. RAM BINOD PANDEY SON OF LATE YOGENDRA OANDEY
RESIDENT OF VILLAGE- CHAITA NORTH, PS ANGARGHAT, DIST
SAMASTIPUR
 2. SAVITA DEVI WIFE OF RAM BINOD PANDEY RESIDENT OF
VILLAGE- CHAITA NORTH, PS ANGARGHAT, DIST SAMASTIPUR

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. KALPANA KUMARI D/O SHAMBHU SINGH RESIDENT OF
VILLAGE- KHALISPUR, PS- SARAIKARANJAN, DISTT- SAMASTIPUR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Shubhesh Pandey, Advocate
For the Opposite Party/s :	Mr. Narendra Kumar Singh, A.P.P.
	Mr. Alok Kumar, Advocate
	Mr. Deepak Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 26-02-2024 Heard learned counsel for the parties.

2. This application has been filed for quashing of the order dated 06.02.2021 passed by the Additional Chief Judicial Magistrate-III, Samastipur whereby cognizance was taken against the petitioners for the offences punishable under Section 498A of the Indian Penal Code.

3. Case of the complainant as disclosed in the complaint petition is that after one week of the marriage of the complainant with the son of these petitioners, all the accused persons including these petitioners started torturing and



harassing the complainant due to non-fulfillment of demand of dowry. It is further alleged that the husband of the complainant dropped her at her parental house and never came back to take her to the matrimonial house.

4. Petitioner No. 1 is father-in-law and petitioner No. 2 is mother-in-law of the complainant.

5. Learned counsel for the petitioners submits that petitioners are separate in mess and property and have got no concern with the affairs of the complainant and her husband. He further submits that on mere perusal of the complaint it is apparent that no specific role has been attributed to the petitioners and allegation against them is general and omnibus. As such, continuation of this proceeding would result in abuse of the process of law. In this connection, learned counsel for the petitioners place reliance upon the judgments/orders of Hon'ble Apex Court passed in *Preeti Gupta & Anr v. State of Jharkhand & Anr.* reported in (2010) 7 SCC 667 and *Geeta Mehrotra & Anr. v. State of UP & Anr.* reported in (2012) 10 SCC 741.

6. Learned counsel for the complainant vehemently opposes the prayer and submissions made on behalf of the petitioners and submits that sufficient material is available



on record by which cognizance has been taken against these petitioner. At this stage, no case is made out for quashment of cognizance.

7. Upon a perusal of the contents of complaint, it is revealed that general allegations are levelled against these petitioners. No specific and distinct role have been attributed against either of them. Allowing prosecution in absence of clear allegation against the in-laws would simply result in an abuse of the process of law.

8. In view of the above facts and discussions and law laid down by the Apex Court in the case of ***Kahkashan Kausar @ Sonam & Ors v. State of Bihar & Ors*** reported in (2022) 6 SCC 599 the impugned order of cognizance with respect to these petitioners dated 06.02.2021 passed by the Additional Chief Judicial Magistrate-III, Samastipur is, hereby, quashed.

9. This application stands allowed.

(Prabhat Kumar Singh, J)

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