

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27647 of 2017

Arising Out of PS. Case No.-1888 Year-2015 Thana- SARAN COMPLAINT CASE District-
Saran

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1. Lalan Tiwari son of Late Ramekbal Tiwari
 2. Jayanti Tiwari @ Jayanti Devi wife of Lalan Tiwari
 3. Raj Kumar Tiwari @ Raju son of Lalan Tiwari
 4. Ram Kumari Devi, wife of Raj Kumar Tiwari @ Raju
 5. Rinki Devi wife of Sharawan Tiwari, D/o Lalan Tiwari
 6. Ranjan Kuwar @ Ranjana Kuwar D/o Lalan Tiwari
All Resident of Village- Ramgarh, Bhaya, Chainpur, P.S. Siswan, District-
Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Kanchan Kumari W/o Sanjit Jumar, D/o Grish Mishra, Resident of Village-
Kakarahat, P.S.- Derni, District- Saran at Chapra.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate
For the Opposite Party/s : Smt. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 01-02-2024 1. Heard learned counsel for the petitioners as well as
learned APP for the State.

2. The case was taken on 19.12.2023 when no one
had appeared on behalf of the O.P. No.2, thereafter again the
case was taken up on 21.12.2023, on the said date also no one
had appeared on behalf of the O.P. No.2. Thereafter, the case
was taken up on 29.01.2024 when no one had appeared on
behalf of O.P. No.2, today also when the case is taken up no one
appears on behalf of the O.P. No.2, as such the Court will not



wait endlessly for appearance of the learned counsel for the O.P. No.2.

3. The learned counsel for the petitioners submits that the present quashing application has been filed seeking quashing of the order dated 26.08.2015 passed by the learned Judicial Magistrate, Saran at Chapra in Complaint Case No.1888 of 2015, T.R. No.1337 of 2015/1177 of 2016 whereby cognizance of offence under Section 498A of the IPC read with Section 3 & 4 of the Dowry Prohibition Act has been taken.

4. The learned counsel next submit that petitioners are the father-in-law, mother-in-law, elder brother-in-law (Bhaisur), sister-in-law (Gotani) and married sister-in-laws (Nanad of the O.P. No.2). It is next submitted that whenever arises in between the husband and the wife the entire family members had implicated in a mechanical manner with general, omnibus and ornamental allegation. It is next submitted that the O.P. No.2 herein had instituted the aforesaid complaint case alleging therein that she was married on 10.10.2012 with Sanjeet Kumar Tiwary, son of petitioner no.1 and 2.

5. It is next alleged that after marriage the accused persons including the petitioners started demanding dowry when the parents of the O.P. No.2 at the time of marriage had given



six lacs rupees and other articles. It is further alleged that after marriage a girl child was born and after the birth of the girl child the behaviour of the accused persons towards her changed for the worst. It is next alleged that the accused persons ousted the complainant from her matrimonial house on 26.06.2015 after assaulting her. The learned counsel submits that from bare perusal of the allegation as alleged in the complaint it would manifest that no specific allegation has been alleged against the accused persons. The allegations are more ornamental in nature.

6. It is next submitted that though in the complaint it is alleged that dowry of rupees one lac was being demanded but then it does specify that who demanded the said dowry amount. It is next submitted that all the petitioners stay separately from the husband of the O.P. No.2 who is not a petitioner in the present application. It is thus submitted that the entire family members have been implicated only for the reason to coerce the husband into submission. The learned counsel next submits that this perhaps explains why the learned counsel appearing on behalf of the O.P. No.2 is not appearing in the case as from bare perusal of the allegation in the complaint it manifest that no specific allegation is alleged against the petitioners. It is also submitted that even married sister-in-laws have been roped in



the case based on omnibus allegation.

7. The learned APP for the State opposes.

8. Considering the submission made by the learned counsel for the petitioner, the order dated 26.08.2015 passed by the learned Judicial Magistrate, Saran at Chapra in Complaint Case No.1888 of 2015, T.R. No.1337 of 2015/1177 of 2016 whereby cognizance of offence under Section 498A of the IPC read with Section 3 & 4 of the Dowry Prohibition Act has been taken, is hereby quashed. It is made clear that the order of cognizance has been quashed only with respect to the petitioners herein.

(Satyavrat Verma, J)

Prakash Narayan

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