

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46084 of 2023

Arising Out of PS. Case No.-1188 Year-2020 Thana- GAYA COMPLAINT CASE District-
Gaya

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Supriya Rani W/O Birendra Kumar Singh, D/O Ashok Prasad R/O Village-
Pasewa, Ps. Imamganj, Dist. Gaya. At Present Village- Kamalpur Ps.
Muffasil, Dist. Gaya

... .. Petitioner/S

Versus

1. The State of Bihar
2. Dharendra Kumar Singh S/O Mahesh Prasad Singh R/O Mohalla Bslls Street
No. 8 Quarter No. 5b, Ps. Bokaro City, Dist. Bokaro (JHARKHAND)
3. Kumari Sanjeeta W/O Chandan Kumar R/O Village- Taradih, Ps. Madanpur
Dist. Aurangabad (BIHAR)
4. Chandan Kumar S/O Yadu Mahto R/O Village- Taradih, Ps. Madanpur Dist.
Aurangabad (BIHAR)
5. Kumari Ranjita W/O Ravi Ranjan R/O Mohalla- Dandibag Gali No. 4 Ps.
Vishnupad, Dist. Gaya
6. Ravi Ranjan S/O Dukheshwar Mahto R/O Mohalla- Dandibag Gali No. 4 Ps.
Vishnupad, Dist. Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhakar Singh, Adv
For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 28-07-2025 Heard learned counsel for the petitioner and learned

APP for the State.

2. The present application has been preferred by the
petitioner for quashing of the order dated 02.11.2021 passed by
learned Additional Sessions Judge, 1st, Gaya, whereby a revision
was filed by the petitioner against the order dated 20.03.2021
passed by J.M.-1st Class, Gaya, in Complaint Case No. 1188 of
2020 whereby summons were not issued against O.P Nos. 2 to



6.

3. As per the prosecution case, the accused persons are alleged to have tortured the complainant mentally and physically due to non-fulfillment of demand of Rs. 25,00,000/- as dowry.

4. Learned counsel for the petitioner submits that the order impugned is bad in law and despite the allegations levelled against the accused persons, the O.P. Nos. 2 to 6 were not summoned. Learned counsel next submits that from perusal of the complaint case it would be evident that there is an allegation against the O.P. Nos. 2 to 6 wherein it is stated that they have also been torturing the complainant/petitioner and, hence, non-summoning the opposite parties has resulted in a miscarriage of justice.

5. Learned APP for the state has also supported the arguments made by the learned counsel for the petitioner.

6. Having perused the complaint petition as well as the documents which were brought by the complainant with regard to the payment made to the husband, it is evident that there is no specific allegations levelled against the O.P. Nos. 2 to 6. It is further observed that the learned Court below had taken note of the entire statement of the witnesses who were examined



in the complaint case and despite such statements being made, there was nothing specific alleged against the O.P. Nos. 2 to 6. This Court had also taken note of the fact that in the solemn affirmation made by the complainant/petitioner, she has also not alleged anything specific against the O.P. Nos. 2 to 6 and in view of the same, the learned Court below had rejected the prayer of the complainant to issue summons against the O.P. Nos. 2 to 6.

8. It is a settled law that if the allegations especially in a case under Section 498 A of the I.P.C. are vague and general and omnibus and there is nothing specific against them as stated by the Hon'ble Supreme Court in the case of **State of Haryana vs. Ch. Bhajan Lal & Ors., 1992 Supp (1) SCC 335**. For better appreciation it would be apposite to reproduce para 102 of the aforesaid case which read as follows:-

‘102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be



exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of



which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the Act concerned (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the Act concerned, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

9. Considering the materials available on record and the law laid down by the Hon’ble Supreme Court in the Case of **State of Haryana vs. Ch. Bhajan Lal & Ors. (Supra)** this Court is not inclined to interfere in the order impugned. Accordingly, the present quashing application stands dismissed.

(Sourendra Pandey, J)

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