

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54684 of 2017

Arising Out of PS. Case No.-617 Year-2016 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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1. Baidyanath Sah, S/o Late Bendi Sah,
 2. Ram Ishwar Sah @ Ram Ishwar Kumar, S/o Baidyanath Sah,
 3. Amresh Kumar @ Amlesh Kumar, S/o Baidyanath Sah,
 4. Priyanka Kumari @ Mahalakshmi Kumari, D/o Baidyanath Sah,
 5. Shail Devi @ Sumail Devi, W/o Baidyanath Sah, All are R/o Village- Patauli , P.S.- Ujiarpur, District- Samastipur.

... .. Petitioner/s

Versus

1. State of Bihar
2. Rubi Kumari, W/o Dinesh Kumar @ Dinesh Kumar Soni @ Ram Vinay Sah, R/o village- Palaili, P.S.- Ujiarpur, District- Samastipur, At present D/o Arjun Sah, R/o Village- Chimnapur, P.S.- Lalganj, District- Vaishali at Hajipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Adv.
For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 02-02-2026 The instant application has been filed under Section 482 of the Code of Criminal Procedure, 1973, with a prayer to quash the order dated 11.07.2016 passed by the court of the learned S.D.J.M., Vaishali at Hajipur in C.R. No. 617/2016, T.R. No. 2534 of 2017, in which cognizance of the offences under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act has been taken against the petitioners.

2. Mr. Dilip Kumar Roy, learned counsel appearing



for the petitioners, submits that all the petitioners are in-laws of O.P. No. 2, and petitioner No. 1 is the father-in-law, petitioner Nos. 2 and 3 are brothers-in-law, petitioner No. 4 is the unmarried sister-in-law, and petitioner No. 5 is the mother-in-law of O.P. No. 2. For securing the appearance of O.P. No. 2, several attempts were made, and in this regard, notices were sent to O.P. No. 2 on two occasions, and lastly, publication in the newspaper was also made, however, she is not taking any interest. One of the reasons for the same is the second marriage of O.P. No. 2, and in this regard, a specific statement has been made in the supplementary affidavit. It is further submitted that the husband of O.P. No. 2 is facing trial, and against all the petitioners there is no specific allegation regarding the commission of the alleged offences for which cognizance has been taken, and they have been made accused mainly on account of being relatives of the husband of O.P. No. 2.

3. Though Mr. Surendra Kumar, learned APP for the State, has opposed this application but fairly accepts that the complainant, in her solemn affirmation, failed to reveal any specific role of any of the petitioners in the commission of the alleged offences.

4. Considering the aforesaid submissions, and mainly



taking into account the general and omnibus allegations appearing against the petitioners from the statement (solemn affirmation) of the complainant, and the main allegations being against the husband of O.P. No. 2, subjecting the petitioners, who are in-laws of O.P. No. 2, to criminal proceedings would amount to a complete abuse of the process of the court. As such, the impugned order taking cognizance against the petitioners, and the criminal proceedings initiated against them in light of the said order, are hereby quashed, and the instant petition stands allowed to the extent of the petitioners only. It is clarified that the impugned order is not affected by this Court's order in respect of the co-accused, who is the husband of O.P. No. 2.

(Shailendra Singh, J)

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