

**Arbind Kumar Mehta, and ors. Vs. State of Bihar, and anr.**

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**Court : Patna**

**Decided On : Jul-20-2010**

**Judge : Anjana Prakash, J.**

**Acts : Indian Penal Code (IPC) - Sections 323, 379, 498A**

**Appeal No. : CRIMINAL MISCELLANIOUS No.28492 OF 2004**

**Appellant : Arbind Kumar Mehta, and ors.**

**Respondent : State of Bihar, and anr.**

**Advocate for Def. : Mr. Sunil Kumar Pandey, Adv.**

**Advocate for Pet/Ap. : Mr. Bidhanesh Misra; Mr. Rajendra Kumar, Adv.**

**Judgement :**

1. The petitioners seek quashing of the entire proceeding of Complaint Case No. 2279 of 2002 pending before the Judicial Magistrate, 1st Class, Katihar, including the order dated 24.9.2003 by which he has taken cognizance for offences under Sections 323 and 379 of the Indian Penal Code.
2. On 4.1.2005, notices were issued to the opposite party no. 2 and further proceeding in the court below was stayed. Thereafter, on 24.11.2005, the matter was admitted for hearing.

3. Today, even though the counsel for the petitioners is present in Court, but none appears on behalf of the opposite party no. 2.
4. The case of the Complainant is that she was married to the petitioner no. 1 in 1990 and lived with her in-laws till 1998. Thereafter, the present petitioners who happened to be the husband, step mother-in-law, step brother-in-law, uncle-in-law and the aunt-in-law started torturing her for various reasons. A number of panchayatias are said to have taken place between the parties but the matter was not sorted out and finally she was driven out of the house by her in-laws on 1.12.2002. One reason for the alleged torture is that her husband was having an illicit relationship with somebody in Delhi, and, therefore, did not wish to continue with the matrimonial relationship.
5. It has been submitted on behalf of the petitioners that in fact, the Complainant is a quarrelsome lady and she had created a problem for her in-laws on account of which her father-in-law at that time had filed an Informatory petition in the court of S.D.J.M., Barsoi, on 23.6.97 which was numbered as Informatory Petition No. 316 of 1997 and an enquiry was made into the matter and the Investigating Officer supported the allegations of the father-in-law of the Complainant. The further submission is that even though there had been a partition by mutual consent between the brothers, but, unfortunately, it was not acceptable to the Complainant who created many hurdles for the family. It is in this background, the present Complaint had been instituted by her.
6. From the facts of the case, it appears that even though the Complainant had alleged that an offence under Section 498A was made out against the accused persons, no cognizance was taken in the regard. Further, from the perusal of the Complaint, I find that general, rambling and vague allegations have been made against the accused persons from whom (SIC) it is difficult to assume that all the accused persons had participated in causing hurt to the Complainant and committing theft of her articles.
7. Accordingly, this application is allowed and the entire proceeding including the order dated 24.9.2003 passed by Shri Krishna Kumar Agarwal, Judicial Magistrate, 1st Class, Katihar, in Complaint Case C.A. No. 2279 of 2002, is hereby

quashed.

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