

**Complaint Case No-137/2024**

Durga Kumari vs. Sushil Sahni and Ors.

**25.03.2026**

Today the record is fixed for consideration on the point of summoning.

The present order disposes of the complaint petition filed by the complainant Durga Kumari, after compliance of the mandatory provisions of Section 223 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) in where proposed accused persons have briefly submitted that they have no objection over the marriage.

**1. Brief Facts of the Case**

The complainant has alleged that on 20.06.2024 at about 9:00 AM, the proposed accused persons, who are her parental family members, came to her matrimonial house and assaulted her and her husband. It is further alleged that they committed theft of household articles, including mangalsutra, goats, bicycles, and food grains, and also threatened them with dire consequences. Allegations of assault, strangulation, and criminal intimidation have also been made.

**2. Inquiry and Evidence on Record**

In course of inquiry:

- The complainant was examined on S.A., wherein she reiterated the allegations made in the complaint petition.
- I.W.-1 (Dileep Sahni) and I.W.-2 (Pankesh Sahni) were examined, who supported the version of the complainant with certain variations.

Further, in compliance with Section 223 BNSS, notice was issued to the proposed accused persons, who appeared and denied the allegations, asserting that the complaint is false, concocted, and motivated due to the complainant's marriage without consent of her family members.

**3. Points for Consideration**

The primary question for determination at this stage is whether there exists **sufficient ground to proceed** against the proposed accused persons.

**4. Appreciation of Materials**

Upon careful perusal of the complaint petition, statement on S.A., and inquiry witnesses, the following aspects emerge:

*(i) Nature of Dispute*

It is evident that the complainant has entered into a marriage without the consent of her parental family members. The entire genesis of the dispute

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appears to be rooted in familial discord arising out of such marriage. The possibility of exaggeration or false implication, therefore, cannot be ruled out at the threshold.

*(ii) Omnibus and General Allegations*

The complainant has arrayed a large number of accused persons belonging to her parental side, attributing general and omnibus allegations against all of them without specifying distinct overt acts. Such sweeping allegations, in absence of specific roles, cast doubt on the veracity of the prosecution case.

*(iii) Absence of Medical Evidence*

Though serious allegations of assault, use of weapons, and strangulation have been made, **no medical prescription, injury report, or any documentary evidence** has been brought on record to substantiate the alleged injuries. This omission assumes significance, particularly when grievous acts are alleged.

*(iv) Material Contradictions and Improvements*

There are noticeable inconsistencies between the version of the complainant and the inquiry witnesses with respect to:

- Number of articles allegedly taken away,
- Nature and manner of assault,
- Participation of accused persons.

Such contradictions weaken the reliability of the prosecution version at this preliminary stage.

*(v) Allegation of Criminal Intimidation*

The allegations of criminal intimidation appear to be general in nature and not supported by any specific instance or immediate threat giving rise to alarm, as required to constitute an offence.

*(vi) Probability and Conduct*

It is also pertinent that despite alleging forcible dispossession and repeated threats, no prompt recourse to medical or police assistance is shown except filing of the present complaint. This creates doubt regarding the occurrence in the manner alleged.

## **6. Findings**

In light of the above discussion, this Court finds that:

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- The dispute appears predominantly matrimonial/familial in nature arising out of a marriage without consent.
- The allegations are omnibus and lack specific attribution.
- There is absence of corroborative medical or documentary evidence.
- The version of the complainant suffers from inconsistencies and improbabilities.

Thus, the materials on record do not inspire confidence so as to form a prima facie case for summoning the proposed accused persons.

**7. Order**

In view of the above discussion and considering the entire materials available on record, I am of the considered opinion that no sufficient ground exists for proceeding against the proposed accused persons.

Accordingly, the complaint is **dismissed under Section 226 of the BNSS.**

**Order accordingly.**

Sd/-  
(Mayank Kumar Pandey)  
SDJM Manjhaul,  
Begusarai