



BRBE210001082025

Cri. Comp (p) No.-1792/2025
Present : MANOJ KUMAR SINGH, JMFC-I/C, BAKHRI

Rani Kumari Vs. Sujeet Kumar & Ors.

Sl.	Date of Order of proceedings	Order with signature of the Court	Office action taken with date
1	2	3	4
	16.06.26	Complainant is in attendance and appeared before the court with Ld. Advocate. Today the case record is fixed for order on the point of issuance of Summons u/s- 227(1) of the BNSS after hearing ld. counsel of the complainant. <u>ORDER</u> Complainant Rani Kumari has filed this complaint petition against Seven proposed accused mentioned in the complaint petition U/Ss.- 85, 115(2), 352(2), 3(5) of the BNS and Sec.-3/4 of D.P. Act. Learned counsel for the complainant has previously been heard. Perused the case record. During course of inquiry the complainant was examined on Solemn Affirmation. Two Enquiry Witnesses have also been produced to be examined for pre summoning evidence. The proposed accused persons were given opportunity of being heard through notice at pre-summoning stage. Proposed accused persons have not appeared before court for pre-summon hearing. On perusing and considering the complaint petition, S.A. of complainant and depositions of enquiry witnesses as well as material present on record, this court finds that a <u>Prima Facie Case</u> is made out U/Ss.- 85, 352 of the BNS and 3/4 of D.P. Act against three accused persons namely 1.Sujeet Kumar, 2. Dharmdev Rai & 3. Meena Devi and there is sufficient ground available on the record to proceed further in this case against him. However, allegations of other offences have not been supported by material present on record. Furthermore, on careful perusal of averments made in complaint petition, S.A. of complainant and depositions of Inquiry witnesses, there is no any material on the record revealing specific involvement of the other proposed accused persons named in the complaint petition. A bare perusal of the material present on record show that the allegations made by the complainant (the wife) are omnibus against other proposed accused persons who are the family members. The complainant has not provided any specific detail or	

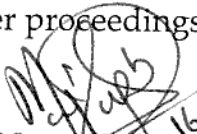


BRBE210001082025

Cri. Comp (p) No.-1792/2025

Present : MANOJ KUMAR SINGH, **JMFC-I/C**, BAKHRI

Rani Kumari Vs. Sujeet Kumar & Ors.

Continued 16.06.26	any particular instance of harassment by other proposed accused persons. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute without a specific allegation indicating their active involvement cannot form the basis for the prosecution against a family member. In <i>Dara Lakshmi Narayan & Anr. Vs. State of Telangana & Anr. [2024 SCC OnLine SC 3682]</i> the Hon'ble Apex Court has held that ".... Such generalised and sweeping acquisitions unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution kohl's must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members. ..." Hence in absence of any incriminating material against the rest proposed accused persons, it transpires that there is no prima facie case made out against them. Complainant is directed to file requisites of summons for appearance of the accused person <i>on or before</i> _____. <i>Office is directed to send the record to the concerned court.</i> Put up on _____ for further proceedings.  (Manoj Kumar Singh) JMFC-I/C, Bakhri
---	---