

In the Court of SDJM WEST Muzaffarpur
Complaint Case No. 07-c-2018

13.11.2019 Today, the case record is fixed for order. Case called out.

The case is fixed for order after S/A and inquiry. Peruse the case record and from its perusal, it is apparent that the complainant has examined on S/A and he further produced other inquiry witnesses on oath.

From perusal of material surfaced on record, it reveals that there is sufficient material on record to proceed against accused person Lav Kumar only, as neither there is specific allegation nor any overt act of cruelty or demand of dowry has been committed by other accused as from S/A of complainant and inquiry witness, on the allegation of offence punishable u/s. 498A of the I.P.C and Ss. 3 and 4 D.P. Act. Hon'ble Apex Court decision reported in 2009 (10) SCC 184 (Neelu Chopra & Anr Vs Bharti) has stated that-".....for lodging a complaint mere mentioning of relevant sections and language of 498A and others are not sufficient....." The same view has been stated in Ramesh & Ors. Vs. State of Tamil Nadu, reported in 2005(2)PLJR(SC)193, that a general and omnibus allegation against all the family members should not be encouraged. Hence no case is made out against accused no-2 to 3 named in complaint petition. But there is sufficient substance for further proceeding. Hence a prima facie case u/s 498A of the I.P.C and S. 4 D.P. Act is made out against accused Lav Kumar only.

The complainant is directed to file requisites of summons and postal summons within a week and, on doing so, the O/C is directed to issue summons to accused persons. Put up for date for appearance.

SDJM WEST
Muzaffarpur