

CRIMINAL APPELLATE JURISDCITION

CRIMINAL APPEAL NO. 1119 OF 2007
(Arising out of S.L.P.(Crl.) No. 1286 of 2005)

SANJAY KUMAR & OTHERS
...APPELLANTS

VERSUS

STATE OF BIHAR & ANOTHER
...RESPONDENTS

ORDER

1. Leave granted.
2. By order dated 14.3.2005, notice was issued to show cause why the complaint be not directed to be quashed as against accused-petitioner No. 4 Ajay Kumar.
3. We have heard learned counsel for the parties and have perused the record.
4. Smt. Lucy Kumari filed a complaint against her husband Sanjay Kumar, father-in-law Lakshmi Narayan Gope, mother-in-law Smt. Yashoda Devi, brother-in-law Ajay Kumar and sister-in-law Baby Kumari. It is alleged in the complaint that her marriage with Sanjay Kumar was performed on 10.7.1999. Just after a month of marriage, her husband and mother-in-law asked her to write a letter to her father to give Rs. 3 lakhs and some other articles like T.V., fridge and a vehicle. After the marriage, the complainant went to Jyotipuram (Jammu) where her husband Sanjay Kumar is working as a Physics teacher in Kendriya Vidyalaya . It is alleged in the complaint that her father-in-law and sister-in-law came to Jyotipuram and demanded money and other articles and tortured her in that regard. In para 9 of the complaint, it is specifically alleged that she came to Patna in 1999 and there accused Nos. 1,2 3 & 5 namely her husband, father-in-law, mother-in-law and sister-

in-law demanded Rs. 3 lakhs. The learned Magistrate after recording statement under Sections 200 & 202 Cr.P.C. summoned all the five accused to face trial under Section 498-A I.P.C. The accused preferred a petition under Section 482 Cr.P.C. before the High Court for quashing of the proceedings of the trial court but the same was dismissed by order dated 4.11.2004.

5. We have carefully gone through the complaint and the statements of the witnesses. The accused No. 4 Ajay Kumar is the younger brother of the petitioner No.1 Sanjay Kumar. He is working as a Chemistry Teacher in Kendriya Vidyalaya, Hazari Bagh. There is absolutely no allegation as against Ajay Kumar in the complaint. In fact in paras 6, 8 & 9 of the complaint, specific allegations have been made against accused Nos. 1, 2, 3 & 5. There is not even a whisper against accused No. 4 Ajay Kumar in the entire complaint. In the facts and circumstances, we consider that the accused No. 4 has wrongly been summoned to face trial under Section 498-A I.P.C.

6. In the result, the appeal is allowed in part. The proceedings of the complaint case No. C-103/2001 as against accused-appellant No. 4 Ajay Kumar are quashed. Appeal is dismissed qua remaining appellants.

.....J.
[G.P. MATHUR]

.....J.
[P.K. BALASUBRAMANYAN]

NEW DELHI
AUGUST 23, 2007
ITEM NO.1 COURT NO.7 SECTION IIA
part-heard

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).1286/2005

(From the judgement and order dated 04/11/2004 in Crl. Misc. No.12905/2003 of The HIGH COURT OF PATNA)

