

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.33440 of 2013**

Arising Out of PS.Case No. -214 Year- 2011 Thana -GARDANIBAGH District- PATNA

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1. Sunil Kumar Sinha S/O Suresh Kumar Sinha R/O- Subhadra Sadan, D.V.C. Colony, P.S.- Gardanibagh, Dist.- Patna
  2. Poonam Sinha W/O Sunil Kumar Sinha R/O- Subhadra Sadan, D.V.C. Colony, P.S.- Gardanibagh, Dist.- Patna

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Manisha Sinha W/O Susant Kumar Sinha, D/O Shyam Nanadan Lal R/O- Nawab Bahadur Road, Chooa Lal Lane, Paschimdarwaja, P.S.- Khajekala, Dist.- Patna

.... .... Opposite Party/s

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**Appearance:**

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**

**ORAL JUDGMENT**

**Date: 07-04-2017**

Heard both sides.

The petitioners filed this petition under Section 482 of the Code of Criminal Procedure to quash the order dated 02.07.2013 passed by Sub-Divisional Judicial Magistrate, Patna in G.R. Case No. 3824 of 2011.

The informant alleged in her fardbeyan that she was married to Sushant Kumar Sinha on 22.11.2009 and at the time of marriage, cash, different articles and vehicle worth Rs. 35 Lakh were given to her husband and his family members. After sometime, her husband and other family members started demanding Rs.15 lakhs more and for that they subjected her for physical and mental torture.



The informant also made allegation that the petitioners and other family members confined her in a room and assaulted her brutally.

The police took up the investigation and after completion of investigation, the investigating officer submitted a report finding the case true against the petitioners.

Thereafter, the petitioners filed a petition for their discharge and after hearing both sides, the learned Sub-Divisional Judicial Magistrate vide order dated 02.07.2013 rejected the petition finding sufficient materials against the petitioners to frame charges under Sections 498A, 323, 504 and 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

Learned counsel for the petitioners assails the order on the ground that the petitioners are brother-in-law and sister-in-law of the informant. The informant has not made any specific allegation of demand of dowry and torture against the petitioners. The petitioners have no concern with the family affairs of the informant and her husband.

Learned counsel for the petitioners in support of his contention placed reliance on the judgment of the Apex Court in the case of Preeti Gupta reported in **2010 (4) PLJR 36 (Prity Gupta Vs. State of Jharkhand)** and in the case of Neelu Chopra reported in **(2009) 10 SCC 184 (Neelu Chopra v. Bharti)**. It is held in the



aforesaid judgments that the informant and other witnesses did not make any specific allegation against in-laws of the aforesaid case, therefore, the proceeding against them should be quashed on the ground that it would be an abuse of process of law.

From perusal of the statement of the informant and the F.I.R. itself, it appears that the informant has made specific allegation against the petitioners that the petitioners along with others confined her in a room and brutally assaulted her due to non-fulfillment of additional demand of dowry and they drove out her from the house. During investigations, the witnesses also reiterated the same facts.

I find that there are sufficient materials against the petitioners and the petitioners are none else than the own brother and sister-in-law of the husband of the informant. In view of the specific allegation made against the petitioners, I do not find any illegality in the order and, accordingly, this quashing petition is dismissed.

**(Prabhat Kumar Jha, J)**

Mishra/-

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