

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.403 of 2019

Arising Out of PS. Case No.-325 Year-2018 Thana- BHORE District- Gopalganj

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1. Anshuman Tiwari @ Anshuman Kumar Tewari S/o Brijesh Tiwari
 2. Ashutosh Tiwari S/o Brijesh Tiwari
 3. Brijesh Tiwari @ Brajesh Kumar Tewari S/o Late Sharda Prasad Tewari
 4. Sandhya Tiwari @ Sandhya Devi W/o Brijesh Tiwari
 5. Romi Sarkar Tiwari @ Romi Sarkar W/o Ashutosh Tiwari

All are resident of Barnialpuar Becharhat, Kalonisripalli Burdwan,
P.S.- Burdwan, West Begal-73103

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department
2. Inspector of Police-cum-Officer Incharge, Police Station- Bhorey, District- Gopalganj.
3. Samisha Tiwari W/o Anshuman Tiwari, D/o Sri Arvind Mishra. Presently residing at village- Panditjigana, P.O. Dubey Jigana, P.S. Bhorey, Distt.- Gopalganj (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Nitish Banka, Advocate
	:	Mr. Neeraj Kumar, Advocate
For the Respondent/s	:	Mr. Sheo Shankar Prasad, SC-8

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 25-02-2019

This writ petition has been filed by the petitioners for quashing the first information report (for short 'FIR') of Bhorey P.S. Case No. 325 of 2018 dated 07.10.2018 registered under Section 498A of the Indian Penal Code as also under Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. The contention of the petitioners is that even if the entire allegations made in the FIR are taken to be true at their face value, no cognizable offence is made out against the petitioners. The allegations made in the FIR are omnibus and



general and no cause of action for instituting the case had arisen within the territorial jurisdiction of Gopalganj district. The FIR has been instituted by the informant in heat of moment and the entire family members have been implicated with malicious and ulterior motive to wreck vengeance.

3. Per contra, learned counsel appearing for the State submitted that the allegations made in the FIR do attract the ingredients of a cognizable offence punishable under Section 498A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act. From a bare reading of the contents of FIR, it would be manifest that the informant was subjected to cruelty immediately after her marriage at various places including her 'Maiké', at Gopalganj. Hence, neither institution of the FIR nor its investigation by the police can be held to be bad.

4. I have heard learned counsel for the parties and carefully perused the allegations made in the FIR as contained in Annexure-1 to the present application.

5. It would be manifest from the reading of the FIR that the informant has alleged that she was married to petitioner no.1 on 31.05.2017 according to Hindu rites and customs. Thereafter, she started living together as husband and



wife. At the time of marriage, her parents had given ornament, furniture and other articles as gift. For one month, she was kept well in her matrimonial home. After one month, she was regularly being subjected to cruelty by her husband, mother-in-law, father-in-law, brother-in-law (Bhaisur) and Sister-in-law (Jethani). They tortured her so much that upon knowledge, her mother fell sick and died. After death of her mother, they again started mounting pressure upon her for car as dowry. Her father expressed his inability to fulfill their demand and requested them to keep her with dignity. Subsequently, she was taken to Hyderabad, where her husband, brother-in-law and sister-in-law were employed. They subjected her to cruelty in Hyderabad also. Due to torture by them, her condition deteriorated so much that she was admitted in a hospital on 16.04.2018. Even while being kept in a hospital, she was being abused regularly. On 02.05.2018, she was brought to Bhorey Bazar by the accused persons and was left alone there. Thereafter, she went to her 'Maike' and was being provided treatment by her father. When her father again went to her Sasural and requested the accused persons to keep her with dignity, they said that she would be allowed to live in the house only if the demand of a car would be fulfilled. Subsequently, her mother-in-law filed a suit in the



civil court seeking injunction from her entering into the house.

6. Having seen the allegations made in the FIR, as noted above, I find that the informant has alleged that she was subjected to cruelty not only in Hyderabad, but also at her 'Maike'. Since the offences had taken place at several places including Bhorey Bazar, Gopalganj, no illegality can be found either with the institution of the FIR in Bhorey Bazar Police Station or its investigation. The allegations are neither general nor omnibus rather the informant has made specific allegation against each of the accused.

7. The writ petition, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Md. S/SKSuman.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.03.2019
Transmission Date	03.03.3019

