

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.622 of 2019

Arising Out of PS. Case No.-1 Year-2019 Thana- MAHILA THANA District- Begusarai

1. Gyatri Devi Wife of Awadh Kishore Singh Resident of Village - Gachhi Tola, Ward no. 30, Power House Chowk, P.S.- Begusarai Town in the Distt.- of Begusarai.
2. Awadh Kishore Singh Son of Lata Radha Singh @ Radha Kishore Singh Resident of Village - Gachhi Tola, Ward no. 30, Power House Chowk, P.S.- Begusarai Town in the Distt.- of Begusarai.
3. Manisha Kumari D/o Awadh Kishore Singh Resident of Village - Gachhi Tola, Ward no. 30, Power House Chowk, P.S.- Begusarai Town in the Distt.- of Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Begusarai
2. The District Magistrate, Begusari Bihar
3. The Superintendent of Police, Begusarai. Bihar
4. The Station House Officer, Begusarai Town Bihar
5. Lata Singh @ Khusboo Singh W/o Kishore Kunal Resident of Village - Gachhi Tola, Power House Chowk, ward no.30, P.S.- Town, Distt.- Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Akhileshwar Prasad Singh, Sr. Adv. Mr. Prabhu Narayan Sharma, Adv.
For the Respondent/s	:	Mr. Anil Kumar, AC to SC-8

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 16-04-2019 Heard Mr. Akhileshwar Prasad Singh, learned Senior Advocate for the petitioners and Mr. Anil Kumar, learned A.C. to S.C.-8 for the State.

This application under Articles 226 and 227 of the Constitution of India has been filed by the petitioners for quashing the first information report of Mahila P.S.Case No. 01



of 2019 registered for the offences punishable under Sections 323, 341, 498-A/34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

Learned Senior Advocate appearing for the petitioners submitted that the first information report has been instituted after the husband of the informant Kishore Kunal filed Matrimonial (Divorce) Case No. 47 of 2017 before the learned Principal Judge, Family Court, Begusarai on 17.06.2017 when she had voluntarily left her matrimonial home and gave birth to a child. It has further been contended that the allegations are malicious in nature as the petitioners being mother-in-law, father-in-law and sister-in-law are being unnecessarily dragged in the case by the informant for no fault on their part.

On the other hand, learned counsel appearing for the State submitted that the written report submitted by the informant to the Officer-in-charge, Mahila Police Station, Begusarai on the basis of which the first information report has been instituted would reflect that the informant was being subjected to cruelty in her matrimonial home by her husband and his relatives including the petitioners for non-fulfillment of demand of dowry. The aforesaid allegations would clearly attract the ingredients of a cognizable offence. In that view of



the matter, the first information report cannot be quashed merely on the basis of the fact that a matrimonial case was earlier instituted by the husband of the informant seeking divorce.

Having heard learned counsel for the parties and perused the first information report, as contained in Annexure-1 to this application, this Court is of the opinion that once a cognizable offence is reported to the Officer-in-charge of a Police Station, it is his duty to register first information report and investigate the same. The allegations of cruelty and demand of dowry, as made in the first information report, clearly attract the ingredients of the offences punishable under Section 498-A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

In that view of the matter, merely because matrimonial (divorce) suit was filed prior to the institution of the first information report, the FIR cannot be quashed. The application lacks merit. It is dismissed, accordingly.

(Ashwani Kumar Singh, J)

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