

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42185 of 2019

Arising Out of PS. Case No.-119 Year-2018 Thana- MAHILA P.S. District- Patna

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1. SANJAY KUMAR Son of Late Kamta Das Resident of Village- Jalgovind, P.S.- Achuara, District- Patna.
 2. Aradhana Kumari D/o Late Kamta Das Resident of Village- Jalgovind, P.S.- Achuara, District- Patna.
 3. Rajeev Ranjan Son of Late Kamta Das Resident of Village- Jalgovind, P.S.- Achuara, District- Patna.
 4. Sushila Devi Wife of Late Kamta Das Resident of Village- Jalgovind, P.S.- Achuara, District- Patna.
 5. Anand Dev Son of Late Kamta Das Resident of Village- Jalgovind, P.S.- Achuara, District- Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Usha Maheshwari Daughter of Maheshwar Das Resident of Mohalla- Lohianagar, Kankarbagh, MIG 287, P.S.- Kankarbagh, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sharma, Advocate
For the Opposite Party/s : Mr. Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 29-07-2019 The petitioners seek quashing of the FIR relating to Patna Mahila P.S. Case No. 119 of 2018 dated 23.08.2018 which has been registered for investigation under Sections 354(C)/354(D), 376, 120B, 420/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The major grounds on which the FIR is sought



to be quashed are that with respect to the occurrence involving the dignity of the informant, a case was registered before the Woman Commission which ultimately was withdrawn at the instance of the informant. Again the Women Commission was approached by the informant for taking necessary action.

Learned counsel for the petitioners submits that in the background of this fact, nothing remains for the police to investigate in this case. It has further been submitted that because of the failure of the negotiation of marriage between the informant and petitioner no. 5, the present case has been filed in which the petitioners who are relatives of petitioner no. 5 have been made accused. The quashing of the FIR is also sought on the ground that petitioner no. 1, at the relevant time, was in jail.

After some arguments, learned counsel for the petitioners seeks permission to withdraw this petition in order to enable the petitioners to participate in the



investigation and bring the aforesaid facts to the notice of the investigating agency.

The petition is therefore dismissed as withdrawn with a direction to the investigating agency to consider all aspects of the matter including those facts which have been stated in the petition and submit a report as expeditiously as possible without there being any delay, preferably within a period of four months of the receipt/production of a copy of this order before the investigating agency.

The petition stands dismissed as withdrawn with the aforesaid observation.

(Ashutosh Kumar, J)

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