

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41293 of 2019

Arising Out of PS. Case No.-265 Year-2018 Thana- BEGUSARAI TOWN District- Begusarai

Rashmi Kumari, wife of Late Tushif Ranjan, resident of Mohalla-Prajapati Path, Meethapur, P.S.-Jakkanpur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ashu Priya, daughter of Surendra Kumar, wife of Ravi Kumar, resident of Village-Ashoknagar, Pokhariya, P.S-Town, District-Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S.N.P. Sinha, Sr. Advocate Miss Rashmi Bharti, Advocate
For the Informant	:	Mr. Binod Kumar, Advocate
For the State	:	Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 02-09-2019

Heard the learned counsel for the petitioner,
informant and the State.

2. The petitioner is the widow sister of the husband of O.P. No. 2 who seeks quashing of the order dated 06.02.2019 passed by the learned Chief Judicial Magistrate, Begusarai in connection with Begusarai (T) P.S. Case No. 265 of 2018 whereby cognizance has been taken against the petitioner under Sections 494, 498(A)/34 of the Indian Penal Code and Section 3 /4 of the Dowry Prohibition Act.



3. It has been submitted on behalf of the petitioner that the entire gamut of allegation is against the husband of O.P. No. 2 and his direct relatives. Though the name of the petitioner has been mentioned in the F.I.R but the allegations are absolutely omnibus and general.

4. It has further been submitted on behalf of the petitioner that she was married outside the family long time ago and presently is leading the life of a widow. Though the petitioner does not deny of her visiting her mother's house where she gets opportunity of interacting with O.P. No. 2 but for all practical purposes, she does not stay under the same roof as that of O.P. No. 2 and her husband.

5. From the narration of the events of the F.I.R, it would appear that the marital relationship between the O.P. No. 2 and her husband has gone bad because of suspicion in the mind of O.P. No. 2 about her husband having some kind of liaison with another



woman. Apart from this, the act of assault and torture has been attributed at a place where the petitioner did not ever visit.

6. Times without number, this Court as well as the Apex Court has held and also cautioned that in such cases where there is an attempt on the part of one of the spouses to falsely implicate all the family members of the other spouse, the allegation should be viewed with circumspection and caution. It is not unknown that all the members of the family of the husband are made accused in case relationship of marriage goes on the rocks. Nonetheless, the only method/methodology of finding out the correct set of fact is to assess the allegation in detail.

7. There does not appear to be any specific material in the F.I.R nor anything has been pointed out by the learned counsel appearing for the O.P. No. 2 to indicate that the petitioner has played any major role in the relationship of the husband and wife going bad.



8. So far as the demand of dowry is concerned, apart from a vague statement that she also insinuated the O.P. No. 2, there is no specific instance which has been provided.

9. The implication of the petitioner therefore is only because of her standing in special relationship with the husband of O.P. No. 2.

10. Regard being had to the aforesaid facts and taking into account that the petitioner was married out of the family long time ago and is presently leading a life of the widow and is finding meeting her two ends difficult, this Court deems it appropriate not to allow further harassment to such petitioner. It would be an abuse of the process of the Court to put the petitioner to the rigours of trial on such flimsy, vague and omnibus allegation.

11. Considering the aforestated facts, this Court exercises its jurisdiction under Section 482 of the Code of Criminal Procedure to set aside the order of



cognizance dated 06.02.2019 passed by the learned Chief Judicial Magistrate, Begusarai in connection with Begusarai (T) P.S. Case No. 265 of 2018 and all further proceedings arising therefrom are also quashed.

12. The petition stands allowed with respect to the petitioner.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
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