

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1428 of 2019

Arising Out of PS. Case No.-190 Year-2017 Thana- DIGHA District- Patna

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1. Ajay Kumar @ Ajay Kumar Sao, aged about 46 years, male, Son of Raj Kumar Sao Resident of Village- Kalyanpur Fatuha, P.S.- Fatuha, District- Patna.
 2. Nutan Devi, aged about 44 years, female, Wife of Ajay Kumar @ Ajay Kumar Sao Resident of Village- Kalyanpur Fatuha, P.S.- Fatuha, District- Patna.
 3. Ankit Kumar, aged about 20 years, male, Son of Ajay Kumar @ Ajay Kumar Sao Resident of Village- Kalyanpur Fatuha, P.S.- Fatuha, District- Patna.
 4. Bablu Kumar @ Sanjay Kumar @ Bablu Kumar Sao, aged about 44 years, male, Son of Raj Kumar Sao Resident of Village- Kalyanpur Fatuha, P.S.- Fatuha, District- Patna.

... .. Petitioners

Versus

1. The State of Bihar, through Principal Secretary Department of Home, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Patna.
4. The S.H.O., Digha Police Station, District- Patna.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Siddharth Harsh-Advocate
For the Respondents	:	Mr. M. Nasrul Huda Khan-SC-1

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

22-10-2019

Heard learned counsel for the petitioners and
learned counsel for the State.

2. This application under Articles 226 and 227 of
the Constitution of India has been filed by the petitioners for
quashing of the Digha P. S. Case No.190 of 2017 registered
under Sections 420, 406 read with 34 of the Indian Penal Code
(for short 'F.I.R.') and Sections 3 and 4 of the Dowry
Prohibition Act.



3. It is submitted by the learned counsel for the petitioners that even if the entire allegations made in the F.I.R. are taken to be true at their face value, no offence would be attracted against the petitioners. It is further contended that the petitioners have been implicated in the case merely because, they happen to be close relatives of the main accused Panchanand Kumar and Kumar Saurabh against whom, there is allegation of demand and receipt of dowry. Lastly, it is contended that there is an inordinate delay of two and a half years in institution of the F.I.R., which raises a serious doubt on the bonafide of the F.I.R.

4. Per contra, learned counsel appearing for the State submitted that in the F.I.R., there is specific allegation that the petitioners along with others took Rs.15 lacs in the name of marriage of Kumar Saurabh with the daughter of the informant and subsequently, the informant came to know that the accused persons had similarly cheated several other persons in the name of marriage of Kumar Saurabh and extracted huge amount from them.

5. I have heard learned counsel for the parties and perused the F.I.R. as contained in Annexure-1 to the present application.



6. The petitioner nos.1 and 4 are full-brothers and both of them are brothers in-law of co-accused Panchanand Kumar. The petitioner nos.2 and 3 are wife and son, respectively, of petitioner no.1. In the F.I.R., apart from Panchanand Kumar and Kumar Saurabh, there is allegation of demand and receipt of dowry against the petitioners also. There is also an allegation that the accused persons had cheated several other persons and had taken dowry from them for the purpose of marriage of Kumar Saurabh.

7. Regard being had to the facts and circumstances of the case, it cannot be said that the allegations made in the F.I.R. do not attract any cognizable offence against the petitioners.

8. In that view of the matter, I am not inclined to interdict the F.I.R. at the stage of investigation.

9. The application is dismissed.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
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