

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86173 of 2019

Arising Out of PS. Case No.-189 Year-2019 Thana- AHYAPUR District- Muzaffarpur

1. Gauri Shankar Singh, Son of Late Yamuna Singh, Resident of Village - Yamuna Complex, Akhada Ghat, P.S.- Ahiyapur, Distt.- Muzaffarpur.
2. Renu Singh, W/o Gauri Shankar Singh, Resident of Village - Yamuna Complex, Akhada Ghat, P.S.- Ahiyapur, Distt.- Muzaffarpur.
3. Revati Raman Singh @ Revati Raman, Son of Gauri Shankar Singh, Resident of Village - Yamuna Complex, Akhada Ghat, P.S.- Ahiyapur, Distt.- Muzaffarpur.
4. Vaidehi Raman Singh @ Vaidehi Raman, Son of Gauri Shankar Singh, Resident of Village - Yamuna Complex, Akhada Ghat, P.S.- Ahiyapur, Distt.- Muzaffarpur.
5. Rama Shankar Singh, Son of late Yamuna Singh, Resident of Village - Yamuna Complex, Akhada Ghat, P.S.- Ahiyapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chandraprabha @ Gunja, W/o Rewati Raman, D/o Shri Ram Kishore Thakur, Resident of Village - Sheikhpura, Post.- Main Post Office, P.S.- Ahiyapur, Distt.- Muzaffarpur., At present - Mohalla- Krishnapuri Dumra, Ward No.4, P.S.- Dumra, Distt.- Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 06-01-2020 This application has been filed for quashing of the F.I.R. in connection with Ahiyapur P. S. Case No. 189 of 2019 for the offences under Sections 323, 307, 498A/34 of IPC and Section 3/4 of Dowry Prohibition Act.

The prosecution case in short is that the informant who happens to be the wife of the petitioner no.3 has lodged a case with allegation of demand of Rs. 5 lacs by the petitioners



and also threatening her to kill her, if the demand is not fulfilled. It is also alleged that the petitioners caught hold of the informant and tried to kill her, but on hulla, the neighbours assembled and accused persons escaped. There is also allegation that the petitioner no.4 assaulted by rod, causing injury and there is also allegation against petitioner no.2, on the basis of aforesaid allegation, Ahiyapur P. S. Case No. 189 of 2019, under Sections 323, 307, 498A/34 of IPC and Section 3/4 of Dowry Prohibition Act was registered.

The ground for quashing of the F.I.R. is that earlier an application for restitution of conjugal rights has been filed against the informant in this case. Petitioner no.4 happens to be the cousin father-in-law and there is no specific allegation against him. As such, the continuation of this F.I.R will an abuse of process of the court only.

Heard learned APP also, who has opposed this application on the ground that the F.I.R. disclosed the allegation against all the petitioners. The matter is subject to the investigation, as such, the application has no merit.

Having heard both sides, on perusal of the record, there are allegation against all the petitioners. So far quashing of an F.I.R. is concerned, it is well settled that such power can be



exercised only when *prima facie* allegations taken on its face value do not constitute any offence or allegations are so absurd and improbable, on the basis of which no prudent person can never reach to a conclusion that there is sufficient ground for proceeding against accused persons or there is express bar in the Code or concerned Act or manifestly attended with *malafide*. On the other hand from the discussions, made above, in the present case, there are allegations against the petitioners in the F.I.R. itself.

In view of the above, I find no merit in this application. Accordingly, this application stands dismissed.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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