

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12031 of 2021

Arising Out of PS. Case No.-111 Year-2019 Thana- PARSABAZAR District- Patna

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1. KUNDAN KUMAR Son of Late Raj Kishore Prasad Resident of Chandan Palace, New Etwarpur Parsa, Police Station - Parsa Bazar, in the District of Patna.
 2. RAJEEV RANJAN KUMAR @ RAJEEV KUMAR Son of Late Raj Kishore Prasad Resident of Chandan Palace, New Etwarpur Parsa, Police Station - Parsa Bazar, in the District of Patna.

... .. Petitioner/s

Versus

1. The Station of Bihar
2. Anju Kumari @ Payal W/O- Chandan Kumar, Daughter of Nagendra Kumar Resident of Mohalla - Neerala Nagar Colony, Digha, Police Station - Digha, P.O. - Digha, District - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Prasad Roy
For the Opposite Party/s : Ms. Rina Sinha

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 12-05-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

This petition has been filed for quashing the F.I.R. in connection with Parsa Bazar P.S. Case No. 111/2019 for the offences under Sections 498-A/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

It is submitted on behalf of the petitioners that the



petitioners are the brother-in-law (*Dewar*) of the informant and there is no specific allegation against them. The details of demand of dowry and torture are not mentioned in the F.I.R.

The petitioners are the young junior members of the family and they are not expected to indulge in this type of criminal activities. Moreover, it has also been argued by Mr. Gopal Prasad Roy, learned counsel for the petitioners that the tendency to falsely implicate all the family members is still persisting and in view of the law laid down in the case of ***Preeti Gupta Vs. State of Jharkhand [(2010) 7 SCC 667]***, the false implications of the petitioners cannot be ruled out.

The recent judgment of Supreme Court reported in ***(2022) SCC OnLine SC 162 (Kahkashan Kausar @ Sonam Vs. State of Bihar)*** has again reiterated its view taken by it in the case of *Preeti Gupta (supra)*.

Mr. Mukesh Kumar Singh, learned counsel, assisted by Mr. Suresh Kumar has vehemently opposed the prayer for quashing of the F.I.R. and submitted that there are specific allegation against these petitioners in the F.I.R.

Considered the submissions of the parties.

I have gone through the entire F.I.R. and I am of the view that the prosecution of the petitioners is nothing, but an



abuse of the process of the Court and the considering the law laid down in the case of *Preeti Gupta (supra)*, the application for quashing of the F.I.R. so far as the petitioners are concerned is allowed.

Accordingly, the entire prosecution lodged against the petitioners in connection with Parsa Bazar P.S. Case No. 111/2019 for the offences under Sections 498-A/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act is hereby quashed.

(Sandeep Kumar, J)

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