

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11980 of 2021

Arising Out of PS. Case No.-199 Year-2019 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

-
1. ANIL SINGH Son of Raj Bali Singh Resident of Village - Hicchan Bigha, P.O. - Samsher Nagar, P.S. - Daudnagar, District - Aurangabad.
 2. RAJ BALI SINGH Son of Late Nanhu Singh Resident of Village - Hicchan Bigha, P.O. - Samsher Nagar, P.S. - Daudnagar, District - Aurangabad.
 3. SURESH SINGH Son of Raj Bali Singh Resident of Village - Hicchan Bigha, P.O. - Samsher Nagar, P.S. - Daudnagar, District - Aurangabad.
 4. VIJAY SINGH Son of Raj Bali Singh Resident of Village - Hicchan Bigha, P.O. - Samsher Nagar, P.S. - Daudnagar, District - Aurangabad.
 5. PAPPU KUMAR Son of Suresh Singh Resident of Village - Hicchan Bigha, P.O. - Samsher Nagar, P.S. - Daudnagar, District - Aurangabad.
 6. MANTU KUMAR Son of Suresh Singh Resident of Village - Hicchan Bigha, P.O. - Samsher Nagar, P.S. - Daudnagar, District - Aurangabad.
 7. BABITA DEVI Wife of Vijay singh Resident of Village - Hicchan Bigha, P.O. - Samsher Nagar, P.S. - Daudnagar, District - Aurangabad.
 8. SONI KUMARI D/O Suresh Singh Resident of Village - Hicchan Bigha, P.O. - Samsher Nagar, P.S. - Daudnagar, District - Aurangabad.
 9. URMILA DEVI Wife of Suresh Singh Resident of Village - Hicchan Bigha, P.O. - Samsher Nagar, P.S. - Daudnagar, District - Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. SANDHYA DEVI Wife of Anil Singh Resident of Village - Hicchan Bigha, P.O. - Samsher Nagar, P.S. - Daudnagar, District - Aurangabad. At present Village - Chiraiyatand, P.O. - Piru, P.S. - Haspura, District - Aurangabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Dubey

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

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



Heard the parties including the Advocate for the opposite party No. 2.

This petition has been filed for quashing the order dated 23.09.2019 passed by the learned Sub-Divisional Judicial Magistrate, Daudnagar taking cognizance in connection with Complaint Case No. 199 of 2019 for the offences punishable under Sections 498(A) of the Indian Penal Code and Section 4 of the Dowry Prohibition Act and also for quashing the order dated 07.03.2020 passed by the learned Additional Sessions Judge, VIth, Aurangabad by which the Cr. Revision No. 92 of 2019/1/2020 has been dismissed.

It has been alleged in the F.I.R. that the informant was married in the year 2014. The family of the informant had given adequate materials at the time of marriage as mentioned in the First Information report. But, soon after the marriage, she was subjected to torture and cruelty for demand of dowry for which she was assaulted and ousted from the matrimonial home. The case was filed by the informant in Gram Kutcheray and a compromise was entered between the parties but, thereafter, again she was tortured for demand of dowry and after the death of her mother-in-law ousted from the house.

From the reading of the F.I.R., it appears that there is



allegation against the petitioner No. 1 who is the husband of opposite party No. 2. However, rest of the petitioners are father-in-law and other relatives of the petitioner No. 1 who are junior members of the family, there is no specific allegation against rest of the petitioners.

Considering the law laid down in the case of *Preeti Gupta Vs. State of Jharkhand [(2010) 7 SCC 667]*, this application on behalf of petitioners No. 2 to 9, above named, is allowed.

So far as application on behalf of Petitioner No. 1 (Anil Singh) is concerned, the same is dismissed.

With the aforesaid observations and directions, the present application is partly allowed.

(Sandeep Kumar, J)

Saif/-

U		T	
---	--	---	--

