

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3686 of 2022

Arising Out of PS. Case No.-551 Year-2019 Thana- BHAGWAN BAZAR District- Saran

1. SAMEEKSHA SRIVASTAVA @ SAMICHHA SHRIVASTAV Wife of Ravi Shankar Prasad Srivastava Resident of Mohalla - Behind Dharmdev Sahay Temple Dahiyawan Ram Rajya Chowk, Police station - Chapra Town, District - Saran (Chapra.).
2. Ravi Shankar Shrivastava Son of Fuleshwar Prasad Srivastava Resident of Mohalla - Behind Dharmdev Sahay Temple Dahiyawan Ram Rajya Chowk, Police station - Chapra Town, District - Saran (Chapra.).
3. Vijay Kumar Shrivastava Son of Late Suresh Kumar Srivastava Resident of Mohalla - Balajee Furniture Pankaj Cinema Road, Near SBI Main Branch, Purvi Dahiyawan, Police Station - Chapra Town, District - Saran (Chapra).
4. Vikash Kumar @ Vikas Kumar Son of Late Suresh Prasad Srivastava Resident of MOhalla- Dahiyawan Near Mission Road, Police Station- Chapra Town, District - Saran (Chapra), At present KD 160 Near Kohat Metra Station, Pitampura, North West Delhi- 110088.
5. Hari Om Kumar Son of Late Suresh Prasad Srivastava Resident of Mohalla - Meena Sadan 2nd Floor Near Dr. Sajal Kumar Ram Rajya Chowk, Police Station - Chapra Town, District - Saran (Chapra).
6. Anup Kumar @ Anup Kumar Shrivastava @ Lalajee Son of Late Suresh Prasad Srivastava Resident of Mohalla - Balajee Furniture Pankaj Cinema Road, Near SBI Main Branch, Purvi Dahiyawan, Police Station - Chapra Town, District - Saran (Chapra).
7. Deepak Kumar Shrivastava Son of Late Suresh Prasad Srivastava Resident of Mohalla - Dahiyawan Near Mission Road, Police Station - Chapra Town, District - Saran (Chapra).
8. Madhuri Devi @ Madhuri Wife of Late Suresh Kumar Srivastava Resident of Mohalla - Balajee Furniture Pankaj Cinema Road, Near SBI Main Branch, Purvi Dahiyawan, Police Station - Chapra Town, District - Saran (Chapra).

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Kumari Sweta Daughter of Arun Kumar Resident of Mohalla - Chaitanya Nagar Beyar House Campus Main Road Gudari, Police Station - Bhagwan Bazar, District - Saran (Chapra).

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mukesh Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Pramod Kumar Pandey, A.P.P.
	:	Mr. Radha Mohan Singh, Advocate



CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-11-2022 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

Learned counsel for the petitioner submits that the present application has been filed seeking quashing of the order dated 18.08.2021 passed by the learned Chief Judicial Magistrate, Saran at Chapra in Bhagwan Bazar P.S. Case No. 551 of 2019 whereby cognizance under Sections 149, 308, 323, and 498A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act has been taken.

Learned counsel further submits that petitioners have been falsely implicated in the present case, it is next submitted that the present FIR arises out of a complaint case, it is next submitted that the informant alleges that she was married to Amit Kumar on 11.07.2016 and, thereafter, she went to her matrimonial home and at the time of marriage various gifts were given to the accused persons including the petitioner but after marriage she was being tortured by the accused persons to bring Rs. 20 lacs from her parents to buy flat for which torture started in various ways, thereafter, Amit Kumar took her to Muzzafarpur but



the demand of dowry and torture continued.

Learned counsel further submits that from bare perusal of the allegations as alleged in the FIR, it would manifest that the allegation are not specific against the accused persons rather are general and omnibus in nature, it is next submitted that petitioner No. 1 is sister-in-law (Nanad), petitioner No. 2 is brother-in-law (Nandoi), petitioner No. 3 to 7 are brother-in-law (Bhainsur) and petitioner No. 8 is mother-in-law. Learned counsel next submits that it is the duty of the husband to ensure the well being of his wife and also has a responsibility to ensure that the wife lives with dignity and honour but then of late it is being seen that whenever a dispute arises between the husband and wife, the entire family members of the husband gets implicated with general and omnibus allegations.

Learned counsel next relies on an order dated 15.09.2010 in Criminal Misc. No. 15719 of 2006, Deepak Kumar Deep and others Vs. State of Bihar and another whereby this Hon'ble Court in similar circumstance was pleased to quash the order of cognizance placing reliance on



an order passed by the Hon'ble Supreme Court in the case of Preeti Gupta and another Vs. State of Jharkhand and another reported in 2010, Vol. 7, SCC, Page 667, wherein at Para 30, the Hon'ble Supreme Court had recorded that it is a matter of common experience that most of these complaints under Section 498A I.P.C. are filed in the heat of the moment over trivial issues without proper deliberations. We come across a large number of such complaints which are not even bonafide and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment are also a matter of serious concern, thereafter, at Para 35, it was recorded that the criminal trials lead to immense suffering for all concerned. Even ultimate acquittal in the trial may also not be able to wipe out the deep scars of suffering of ignominy. Unfortunately, a large number of these complaints have not only flooded the court but also have led to enormous social unrest affecting peace, harmony and happiness of the society.

Learned counsel next submits that in the present case also the allegations are general and omnibus in nature



and the entire family member of the husband stands implicated.

Learned A.P.P. for the State and the learned counsel for the informant opposed the quashing application.

After considering the submissions made by the learned counsel for the petitioner, the order dated 18.08.2021 passed by the Learned Chief Judicial Magistrate, Saran at Chapra, whereby cognizance under Sections 149, 308, 323 and 498A of the Indian Penal Code read with Section 3 and 4 of the Dowry Prohibition Act, arising out of Bhagwan Bazar P.S. Case No. 551 of 2019 is hereby quashed.

(Satyavrat Verma, J)

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