

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56631 of 2015

Arising Out of PS. Case No.-1275 Year-2013 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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1. Juhi Kumari @ Juhi Devi Daughter of Rabindra Kumar Jha, Wife of Shri Kunal Jha
 2. Kunal Jha, Son of Shri Birendra Jha, Both are resident of Village - Shiv Kund, P.s.-Dharhara, Dist.-Munger

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Gopal Jha Son of Shri Mudrika Jha, Resident of Village- Hemda, P.s.- Warsaliganj, Dist.-Nawada
3. Guriya Devi @ Guriya Kumari, D/o Gopal Jha w/o Dharmvir Kumar Both are r/v-Hemda, PS-Warsaliganj, District- Nawada

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Sudha Ambastha
For the Opposite Party/s : Mrs. Anita Kumari APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT

Date : 17-11-2022

Despite valid service of notice, none appears on behalf of Opposite Party Nos. 2 and 3.

Heard counsel for the parties.

This petition has been filed for quashing of order dated 21.02.2014 passed by learned Sub-Divisional Judicial Magistrate, Nawada in Complaint Case No. 1275(C) of 2013 by which learned Sub-Divisional Judicial Magistrate has took cognizance under Section 498(A) of the Indian Penal Code and section 4 of the Dowry Prohibition Act against petitioners and others.

Petitioner no. 1 is married sister-in-law (Nanad) and



petitioner no. 2 is brother-in-law (Nandosi) of the Opposite Party No. 3 daughter of Opposite Party No. 2.

It is submitted on behalf of petitioners that they are separate in mess and property and have got no concern with the family affairs of the Opposite Party No. 3. As a matter of fact, there was no marriage between the parties. She further submits that Co-accused Dharmvir Kumar has filed written report prior to the lodging of complaint case about his kidnapping by the Opposite Party No. 2 (complainant) and family members. The aforesaid FIR has been annexed as Annexure-2 to this petition.

From perusal of the FIR, it is apparent that the co-accused Dharmvir Jha while he was returning back after appearing in examination and reached near Babhanbigha More then Opposite Party 2 Gopal Jha along with others on the point of pistol took him away and confined him in village Hemda. The accused persons were demanding Rs. 5 lakhs from his father and he was released from the clutches of the accused persons after raid of the police. After investigation the supervising authority has also found case true and chargesheet has been submitted under Section 364(A) of the IPC against Opposite Party No. 2 and others.

In the instant case, the complainant has alleged that her daughter was married with co-accused Dharamvir Kumar on 04.05.2013 and after marriage she was tortured in her *sasural*



for demand of dowry and ultimately, she was ousted from her matrimonial house. It is further alleged that accused persons committed torture and harassment for dowry.

From perusal of FIR, it is apparent that no specific overt act has been alleged against these petitioners. There is vague, general and omnibus allegation of torture and harassment. Therefore, this court is of the view that continuation of criminal proceeding against these petitioners would amount to abuse of the process of law and unnecessary harassment to them.

In view of the aforesaid facts and circumstances, the impugned order dated 21.02.2014 passed by learned Sub-Divisional Judicial Magistrate, Nawada in Complaint Case No. 1275(C) of 2013 along with entire criminal proceeding with regard to these petitioners, are hereby set aside.

Accordingly, this quashing petition is allowed.

(Prabhat Kumar Singh, J)

vinita/-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	21.11.2022
Transmission Date	21.11.2022

