

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11082 of 2021

Arising Out of PS. Case No.-137 Year-2018 Thana- GARKHA District- Saran

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1. RADHIKA DEVI W/O VISHWAKARMA SHARMA Resident of Village - Rahimapur, P.S.- Awatarnagar, Dist.- Saran.
 2. Ganesh Kumar Sharma Son of Vishwakarma Sharma Resident of Village - Rahimapur, P.S.- Awatarnagar, Dist.- Saran.
 3. Ujjawal Kumar Sharma Son of Vishwakarma Sharma Resident of Village - Rahimapur, P.S.- Awatarnagar, Dist.- Saran.
 4. Vishwakarma Sharma Son of Late Fagu Thakur Resident of Village - Rahimapur, P.S.- Awatarnagar, Dist.- Saran.
 5. Fulwanti Kumari W/o Sharwan Sharma Resident of Village - Rahimapur, P.S.- Awatarnagar, Dist.- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mala Devi W/O Dipak Kumar Sharma Resident of Village - Chintamanganj, P.S.- Garkha, Dist.- Saran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-04-2022 Heard the learned counsel for the petitioners
and the learned APP for the State.

The present petition has been filed for quashing the order dated 26.10.2018, passed by the learned court of Judicial Magistrate-IV, Saran at Chapra in Garkha PS case no. 137 of 2018, by which cognizance has been taken against the petitioners as also against the husband of the victim lady/



informant, who is not the petitioner herein, for the offence punishable under Sections 341, 323, 498A, 504, 506/34 of Indian Penal Code & 3/4 of Dowry Prohibition Act.

The learned counsel for the petitioners has referred to the judgment rendered by the Hon'ble Apex Court in the case of *Preeti Gupta and another v. The State of Jharkhand and another*, reported in *(2010) 7 SCC 667*, to contend that implicating the husband and all his immediate relatives without there being any specific role of such relatives in the alleged occurrence has become a common practice, thus the court proceeding ought not to be permitted to degenerate into a weapon of harassment or persecution. In such view of the matter, the learned counsel for the petitioners seeks liberty to file appropriate discharge petition before the learned court below and raise the aforesaid issue by referring to the judgment rendered by the Hon'ble Apex Court in the case of *Preeti Gupta and another (supra)*.

Accordingly, the present petition stands disposed off as not pressed, however with liberty to the petitioners to file appropriate discharge petition, before the learned court below, raising all the grounds raised in the present petition



including placing reliance on the aforesaid judgment rendered by the Hon’ble Apex Court in the case of ***Preeti Gupta and another (supra).***

(Mohit Kumar Shah, J)

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