

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2851 of 2022

Arising Out of PS. Case No.-1389 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

-
1. SABITA DEVI @ SABITA W/o Not Mention Resident of Village - Sauth Units Part II, New Delhi.
 2. Chinta @ chinta Devi @ Kumud Devi W/o Krishna Prasad Resident of Village - Dwarika More, New Delhi.
 3. Shiv Shankar Prasad Son of Late Duryodhan Prasad Resident of Village - Bokaro Steel City, Jharkhand.
 4. Ramji Prasad @ Ram Prasad Son of not Mention Resident of Village - Bokaro Steel City, Jharkhand.
 5. Krishna Prasad Son of Late Madan Lal Resident of Village - Dwarika More , New Delhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sandhya Rani D/o Late Daya Shankar Prasad Resident of Village - Flat no.102, Gopal Sharan Apartment Mohalla Yarpur, P.s.- Gardanibagh, Dist.- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak
For the Opposite Party/s : Mr. Bharat Lal

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 31-08-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State along with the learned counsel for the complainant.
2. The present application has been filed seeking quashing of the entire complaint case No. 13893 of 2018 including the order dated 15.09.2018 passed by the learned S.D.J.M. whereby and where under he has been pleased to take



cognizance under Section 498A of the IPC read with Section 4 of the Dowry Prohibition Act against the petitioner.

3. Learned counsel for the petitioners, at the outset, submits that petitioner No. 1 and 2 are married sister-in-law of the O.P. No. 2 and petitioner No. 5 is husband of the petitioner No. 2 while petitioner No. 3 is the father-in-law of O.P. No. 2 and petitioner No. 4 is brother-in-law of O.P. No. 2, it is also submitted that the petitioner Nos. 1, 2 and 5 are residing separately from the husband of the O.P. No. 2 while petitioner No. 3 and 4 also reside separately and they are separate in mess with the husband of the O.P. No. 2. It is next submitted that the complaint alleges that she was married to Sanjeev on 19.11.2013 and at the time of marriage, gift worth Rs. 4,50,000/- in cash along with ornaments and cloths were given, it is next alleged that after marriage, the accused persons including the petitioners started torturing her and demanded a cash of Rs. 5,00,000/- and for non-fulfillment of the demand, she was ousted from her matrimonial home at Delhi in the night with a threatening that until and unless the demand is fulfilled, she will not be allowed to enter the house.

4. Learned counsel submits that the petitioners have been falsely implicated in the present case, it is next submitted



that from bare perusal of the allegations as alleged in the FIR, it would manifest that the allegations are not specific against the accused persons rather are general and omnibus in nature, it is next submitted 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 it is being seen that whenever a dispute arises between the husband and the wife, the entire family members of the husband gets implicated with general and omnibus allegations. Learned counsel, at this stage, submits that the husband of the O.P. No. 2 had also moved before this Court seeking quashing of the order of cognizance which is challenged in the present application by filing Cr. Misc. No. 41670 of 2023 but the same was dismissed by order dated 21.08.2023 by a learned Co-ordinate Bench of this Court.

5. Learned counsel next relies on an order dated 15.09.2010 in Cr. Misc. No. 15719 of 2006, Deepak Kumar Deep and Others Vs. The 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. The 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 IPC are filed in the heat of the moment over trivial issues without proper deliberation. 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 a criminal trial lead to immense suffering for all concerned. Even ultimate acquittal in the trial may also not be able to wipe out the deep scarce 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.

6. Learned counsel next submits that in the present case also the allegations are general and omnibus in nature as entire family members of the husband stands implicated.

7. Learned A.P.P. for the State along with learned counsel for the complainant opposes the quashing application but are not able to record the submission of the learned counsel for the petitioners that the allegations are general and omnibus



in nature.

8. After considering the submissions made by the learned counsel for the petitioners, the order dated 15.09.2018 passed by the learned SDJM Patna whereby cognizance has been taken under Section 498A IPC read with Section 4 of the Dowry Prohibition Act in connection with complaint case No. 1389 (C) of 2018 against the petitioners stands quashed.

(Satyavrat Verma, J)

HarshPandey/-

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

