

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18969 of 2021

Arising Out of PS. Case No.-17 Year-2017 Thana- MAHILA P.S. District- Nawada

Vandana Kumari, D/O Rajendra Prasad, R/O Mohalla Raj Guru Chowk, Ward
No. 9, P.S-Bettiah Town, District-Bettiah, West Champaran.

... .. Petitioner

Versus

1. The State of Bihar.
2. Manoj Kumar S/O Late Bodhi Lal R/O Mohalla-Malgodam Patel Nagar,
P.S-Nagar, District-Nawada.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Sanjeev Ranjan, Advocate Mr. Mukesh Kumar, Advocate Mr. Shivjee Singh, Advocate
For the Opposite Party/s :		Mr. Abhay Kumar, APP Mr. Rajesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

8 21-02-2023 Heard learned counsel for the petitioner, learned

APP for the State and learned counsel for the opposite party

no.2.

The present application has been filed for quashing
of the order dated 31.07.2019 passed by learned Sub Divisional
Magistrate, Nawada, in Mahila P.S. Case No.17 of 2017, by
which the learned Magistrate has taken cognizance against the
petitioner for the offence under Sections 307, 323, 341, 498-
A/34 of the Indian Penal Code and under section 3/4 of the
dowry Prohibition Act.

As per the F.I.R., the prosecution case is that the



daughter of the informant was married to co-accused Ritesh Kumar in the year 2014. At the time of marriage, 25 lakhs and other ornaments have been given to the accused persons. It is alleged that after some time the accused persons started harassing the daughter of the informant for demand of dowry and her husband namely, Ritesh Kumar used to threat her that he will perform second marriage. It is also alleged that the petitioner told the daughter of the informant to demand Rs.15 lakhs from her father and on refusal, all the accused persons assaulted her and therefore, she came to the house of the informant.

Learned counsel for the petitioner submits that petitioner happens to be married sister-in-law (*nanad*) of the daughter of the informant and she is residing separately and is employed in a multi-national company.

Learned counsel for the State and learned counsel for the opposite party no.2 opposed this application.

Having considered the submissions of the parties and on perusal of the record, it appears that the petitioner is married sister-in-law (*nanad*) of the daughter of the informant and she is residing separately. It also appears that general and omnibus allegations are levelled against this petitioner.



Considering the aforesaid facts as also considering the law laid down by the Apex Court in the case of ***Kahkashan Kausar @ Sonam vs. State of Bihar*** reported in ***2022 SCC OnLine SC 162***, this quashing petition is allowed.

Accordingly, the order of cognizance dated 31.07.2019 passed by learned Sub Divisional Magistrate, Nawada, in Mahila P.S. Case No.17 of 2017, is hereby quashed.

(Sandeep Kumar, J)

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