

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9412 of 2020

Arising Out of PS. Case No.-78 Year-2019 Thana- CHARPOKHARI District- Bhojpur

1. Shri Bhagwan Mahto @ Bhagwan Singh S/O Late Heera Lal Singh Resident Of Village- Mukundpur, P.S.- Charpokhari, District- Bhojpur.
2. Ram Shankar Mahto @ R.S. Mahto S/O Sri Bhagwan Singh @ Bhagwan Mahto Resident Of Village- Mukundpur, P.S.- Charpokhari, District- Bhojpur.
3. Munni Devi W/O Shri Bhagwan Singh @ Bhagwan Mahto Resident Of Village- Mukundpur, P.S.- Charpokhari, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Binita Devi W/o Vidy Shankar Singh Resident of Village- Mukundpur, P.S.- Charpokhari, District- Bhojpur, at present living the house of her father namely Mohan Singh of Village- Nagraon, P.S.- Charpokhari, District- Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Advocate
For the Opposite Party/s : Mr.Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 21-08-2023 Learned counsel for the petitioners prays for and is granted permission to withdraw this application on behalf of petitioner nos. 1 and 3.

2. This application is dismissed as withdrawn with regard to petitioner nos. 1 and 3 with liberty to the petitioner nos. 1 and 3 to approach the civil court at the stage of framing of charge.

3. Heard learned counsel for the petitioner and learned APP for the State.

4. The present application has been filed for quashing



F.I.R vide Charpokhari P.S. Case No. 78 of 2019 registered for the offences under Sections 498A, 313 read with Section 34 of the Indian Penal Code and Section 3/4 of the D.P. Act.

5. As per F.I.R, the marriage of informant was solemnized with Vidya Shankar Singh on 21.06.2018 thereafter, she went to her matrimonial home and started leading her conjugal life. It is alleged that after one month, the husband of the informant started torturing her and all the accused persons demanded gold chain and a four wheeler as dowry. On account of non-fulfillment of demand, they ousted the informant from the matrimonial home.

6. Learned counsel for the petitioner submits that petitioner no. 2 is the brother-in-law (dewar) of the informant and there is general and omnibus allegation against him in the F.I.R. The petitioner has also relied upon the judgment of Hon'ble Supreme Court in the case of ***Kahkashan Kausar @ Sonam Vs. State of Bihar*** reported in ***2022 SCC OnLine SC 162***.

7. I have considered the submissions of the parties and also perused the materials available on record including F.I.R. It appears that petitioner is the brother-in-law (dewar) of the informant who is the junior member of the family. There are



general and omnibus allegation against him.

8. Considering the aforesaid facts of this case and also considering the law laid down by the Hon'ble Supreme Court in the case of *Kahkashan Kausar Sonam and Ors (supra)*, this application is allowed. The F.I.R vide Charpokhari P.S. Case No. 78 of 2019 registered for the offences under Sections 498A, 313 read with Section 34 of the Indian Penal Code and Section 3/4 of the D.P. Act and all consequential proceedings arising out of aforesaid F.I.R are hereby quashed with respect to petitioner no. 2 only in the interest of justice and prosecution against other accused person shall continue.

(Sandeep Kumar, J)

Harsh/

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

