

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9518 of 2016

Arising Out of PS. Case No.-1462 Year-2014 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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1. Puja Jha Wife of Mithilesh Kumar Jha resident of A/476, Durga Marg Mandawali, Near Subji Mandi, Mandawali, East Delhi - 110092, P.S.
 2. Mithilesh Kumar Jha Son of Narender Nath Jha resident of A/476, Durga Marg Mandawali, Near Subji Mandi, Mandawali, East Delhi - 110092, P.S.
 3. Kajal Jha Wife of Manish Jha resident of Village - Birpur, P.S. - Supaul, District - Supaul.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Smt. Pooja Daughter of Amrendra Kumar Chaudhary, Wife of Mukesh Kumar Jha Resident of Mohalla - Mishra Tola, Police Station - Town Darbhanga, District - Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Nand Jha
For the Opposite Party/s : Mr.L.K.Sharmaapp

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 06-07-2023 In view of the receipt of notice by the mother of the
opposite party No. 2, the service is treated to be valid.

Heard learned counsel for the petitioner. No one
appears on behalf of the opposite party No. 2 despite service of
notice.

The present application has been filed for quashing
the order dated 31.07.2015 passed by the learned S.D.J.M.,
Darbhanga in Complaint Case No. 1462 of 2014 whereby and
whereunder cognizance has been taken under Sections



384/380/406/323/498(A) of the Indian Penal Code and Section 3 and 4 of the Dowry Prohibition Act.

The prosecution story in short is that the marriage of the complainant was solemnized with Mukesh Kumar Jha on 10.12.2010 and soon after the marriage, she was subjected to torture and cruelty and also her husband tried to kill her by pressing neck.

Learned counsel for the petitioner submits that petitioner No.1 (Puja Jha) is sister-in-law (*Gotni*), Petitioner No. 2 (Mithilesh Kumar Jha) is the brother-in-law (*Bhainsur*) and petitioner No. 3 (Kajal Jha) is the married sister-in-law of the complainant and there is general and omnibus allegation against them in the complaint. The petitioners have 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***.

I have considered the submissions of the parties and also perused the materials available on record including F.I.R. It appears that petitioner No.1 (Puja Jha) is sister-in-law (*Gotni*), Petitioner No. 2 (Mithilesh Kumar Jha) is the brother-in-law (*Bhainsur*) and petitioner No. 3 (Kajal Jha) is the married sister-in-law of the complainant and they are residing in Delhi and



Supaul. There are general and omnibus allegations against them as the details of the allegations are missing in the Complaint.

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 Complaint Case No. 1462 of 2014 registered for the offences under Sections 384/380/406/323/498(A) of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act and all consequential proceedings arising out of aforesaid complaint are hereby quashed with respect to abovenamed petitioners only in the interest of justice.

(Sandeep Kumar, J)

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