

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23221 of 2015

Arising Out of PS. Case No.-2285 Year-2013 Thana- GAYA COMPLAINT CASE District-
Gaya

1. Suresh Sao @ Suresh Prasad son of late Faudari Sao
2. Rani Devi wife of Suresh Sao
3. Ajay Prasad @ Ajay Kumar son of Suresh Sao
4. Raj Kumar @ Raja Kumar son of Suresh Sao
All resident of village/mohalla Barh, Bazitpur, Gudri, P.S. Barh, Patna

... .. Petitioner/s

Versus

1. State Of Bihar
2. Ranju Devi wife of Sunil Prasad D/O Sunu Sao R/O Bazitpur(Gudri) P.S.
Barh, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey

For the Opposite Party/s : Mr.Abhay Kumar Rai App

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 13-02-2023 Heard learned counsel for the petitioners, learned
APP for the State.

The present application has been filed for quashing of the order dated 21.11.2014 passed by learned Sub Divisional Judicial Magistrate, Gaya in Compliant Case No. 2285 of 2013, by which the learned Magistrate has taken cognizance against the petitioners for the offence under Section 498-A of the Indian Penal Code and under section 3/4 of the dowry Prohibition Act.

The prosecution case is that the complainant (opposite party no.2) was married to co-accused Rajesh Kumar in the year 2011. Out of their wedlock, a child was born. It is alleged that the accused persons demanded Rs.50,000 for motor cycle as dowry from the complainant and on refusal, she was



tortured and ousted from her matrimonial house.

Learned counsel for the State has opposed this application.

Having considered the submissions of the parties and on perusal of the record, it appears that petitioner no.1 and 2 are father-in-law and mother-in-law of the petitioner and petitioner no. 3 and 4 are Bhaisur and Devar of the complainant (opposite party no.2). It also appears that general and omnibus allegations are levelled against these petitioners.

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 21.11.2014 passed by learned Sub Divisional Judicial Magistrate, Gaya in Compliant Case No. 2285 of 2013, is hereby quashed.

(Sandeep Kumar, J)

Guddu/-

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

