

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17323 of 2022

Arising Out of PS. Case No.-3 Year-2019 Thana- MAHILA PS District- Katihar

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1. DEVENDRA PD RAM @ DEVENDRA RAM Son of Late Bhuneshwar Ram Resident of Mohalla- Vansi Nagar, Baigana, P.S.- Town, Katihar, District- Katihar.
 2. GANGA DEVI W/o Devendra Pd. Ram @ Devendra Ram Resident of Mohalla- Vansi Nagar, Baigana, P.S.- Town, Katihar, District- Katihar.
 3. KANHAIYAN @ KANHAIYA KUMAR @ KANAHAIYA RAM Son of Devenra Prasad Ram @ Devendra Ram Resident of Mohalla- Vansi Nagar, Baigana, P.S.- Town, Katihar, District- Katihar.
 4. SHIVA @ MISTER NISHANT S/o Devendra Prasad Ram @ Devendra Ram Resident of Mohalla- Vansi Nagar, Baigana, P.S.- Town, Katihar, District- Katihar.
 5. NIWAS KUMAR @ NIWAS @ ANSHU ANAND S/o Devendra Pd. Ram @ Devendra Ram Resident of Mohalla- Vansi Nagar, Baigana, P.S.- Town, Katihar, District- Katihar.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Baby Kumari D/o Late Aalaram Shah Resident of D.S.- College Road, Prabhatnagar, P.S.- Town katihar, District- Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh
For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 04-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor.

This application is filed for quashing the order dated
19.07.2020 passed in Katihar Mahila P.S. Case No. 03 of 2019,
(G.R. No. 250 of 2019) passed by the learned Sub-Divisional
Judicial Magistrate, Katihar by which the Learned Magistrate
has taken cognizance for the offence punishable under sections
323, 354, 376, 354, 504, 506, 34 and 406 of Indian Penal Code



and Section 5 of Immoral Trafficking Act and Sections 3 and 4 of Dowry Prohibition Act against the petitioners and other.

The prosecution story is short is that Girish was home tutor of the informant and regularly visiting the house of the informant (Baby Kumari). After sometime, they developed love affairs and Girish established physical relation on the pretext of marriage which he denied later on. The informant made social and family pressure, then the father of Girish told her that his son is now working in P.N.B and now they will accept her as bride after payment of ten lakhs as Dowry. After sometime Girish took informant to Lakhisarai where he again made physical relation with her and afterwards to Mumbai on the ground of departmental training but informant got suspicious that Girish was involved in human trafficking gang and was going to hand over her to them. So she stayed at Mumbai with family members. On the next day she came to parental home, Katihar. Afterwards she went to the house of the petitioners and complained about Girish to his family members but they abused her and tried to outrage her modesty and ousted her.

From the charge sheet, it appears that there is no serious allegation against the petitioners who are the parents and relatives of the main accused namely Girish and charge sheet



was submitted against them under Section 323, 354, 376, 354, 504, 506, 34 and 406 of Indian Penal Code and Section 5 of Immoral Trafficking Act and Sections 3 and 4 of Dowry Prohibition Act.

From the materials available on record it seems that the petitioners are being prosecuted only because they are related to Girish Kumar Singh and there is no allegation against them on having abated with Girish Kumar Singh who is the son of the petitioner no. 1 and the main thrust of allegation is against Girish Kumar Singh.

The prosecution of the petitioners in these circumstances will be abuse of the process of the Court only just because they are related to Girish Kumar Singh.

Accordingly, the order dated 19.07.2020 passed in Katihar Mahila P.S. Case No. 03 of 2019, (G.R. No. 250 of 2019) passed by the learned Sub-Divisional Judicial Magistrate, Katihar is hereby quashed.

(Sandeep Kumar, J)

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