

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35007 of 2015**

Arising Out of PS. Case No.-512 Year-2014 Thana- NALANDA COMPLAINT CASE  
District- Nalanda

- 
1. Sohan Prasad and Ors S/o Late Ganga Pd.
  2. Manju Devi W/o Sokau Prasad
  3. Bablu Kumar S/o Late Lakhan Pd.
  4. Soni Devi W/o Bablu Kumar
  5. Ankit Kumar @ Moni S/o Sri Sohan Pd.
  6. Ashutosh Kumar @ Minku @ Ashutosh Minku S/o Sri Sohan Pd. all are residents of Tripolia Pathari Ghat Chauraha, P.S. Alamganj, Dist - Patna.
  7. Shiv Ratan Prasad S/o Late Moti Lal resident of Chhoti Bazar Mogal Pura, P.S. Khajekallan, Dist - Patna - 800008.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Smt. Nitu Kumari W/o Sri Sanni Kumar, D/o Sri Dharmvir Singh resident of Hilsa, Bihari Road, P.S. Hilsa, Dist - Nalanda, A/P Belwarganj opposite to Anand Talkies, P.S. Alamganj, Dist - Patna.

... .. Opposite Party/s

---

**Appearance :**

For the Petitioner/s : Mr. Tilak Sao, Advocate  
For the Opposite Party/s : Mr. Pranav Kumar, A.P.P.

---

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

5      31-08-2023                      1. Heard learned counsel for the petitioners and  
learned A.P.P. for the State.

2. No one appears on behalf of the complainant.

3. The learned counsel submits that the present  
quashing application has been filed seeking quashing of the  
order dated 14.11.2014 passed by the learned SDJM, Hilsa  
in Complaint Case No. 512(C) of 2014 whereby cognizance



has been taken under Sections 323, 498A, 504 of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act in Complaint Case No. 512(C) of 2014.

4. The learned counsel submits that petitioners have been falsely implicated in the present case, it is next submitted that the complainant alleges that she was married to Sunny Kumar in the year 2008 and after her marriage she was blessed with a child and thereafter the accused persons including the petitioners started demanding dowry of Rs. 1,00,000/- and on account of non-fulfillment of the demand, she was tortured and on 17.05.2014, she was ousted from her matrimonial home.

5. The learned counsel for the petitioners further submits that from bare perusal of the allegation as alleged in the FIR it would manifest that the allegations are not specific against the accused persons rather are general and omnibus in nature. It is next submitted that petitioner no. 1 is father-in-law, petitioner no. 2 is mother-in-law, petitioner no. 3 is maternal father-in-law, petitioner no. 4 is maternal mother-in-law, petitioner nos. 5 and 6 are brother-in-law and petitioner no. 7 is also maternal father-in-law of O.P.



No. 2. The learned counsel next submits that it is duty of the husband to ensure the well being of the wife and also has a responsibility to ensure that wife lives with dignity and honour but then of late it is being seen that whenever a dispute arises between the husband and wife, the entire family members of the husband get implicated with general and omnibus allegation.

6. The learned counsel next relies on an order dated 15.09.2010, in Cr. Misc. No. 15719 of 2006, ***Deepak Kumar and Ors. vs. State of Bihar and Anr.*** whereby this Hon'ble Court in similar circumstance was pleased to quash the order of cognizance placing reliance on an order passed by the Hon'ble Supreme Court in the case of ***Preeti Gupta and Anr. vs. State of Jharkhand and Anr. Reported in (2010) 7 SCC, Page- 667, wherein at para 30***, the Hon'ble Supreme Court had recorded that it is a matter of common experience that most of these complaints under Section 498A of the Indian Penal Code are filed in the heat of the moment over trivial issues without proper deliberation. We come across a number of such complaints which are not even bonafide and are filed with oblique motive. At the



same time, rapid increase in the number of genuine cases of dowry harassment are also a matter of serious concern, thereafter, at paragraph 35, it was recorded that the criminal trial leads to immense suffering for all concern. Even ultimate acquittal in the trial may also not be able to wipe out the deep scars of suffering of ignominy. Unfortunately, a large number of these complaints have not only flooded the Court but also have led to enormous social unrest affecting peace, harmony and happiness of the society.

7. The learned counsel next submits that in the present case also the allegations are general and omnibus in nature while petitioners are residing separately from the husband of the O.P. No. 2 and have been implicated with no specific allegation rather the entire family members of the husband even distantly related have been implicated.

8. The learned A.P.P. opposes the Quashing Application.

9. After considering the submissions made by the learned counsel for the petitioners, the order dated 14.11.2014 passed by the learned SDJM, Hilsa in Complaint Case No. 512(C) of 2014 whereby cognizance



has been taken under Sections 323, 498A, 504 of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act against the petitioners stand quashed.

**(Satyavrat Verma, J)**

GauravSinha/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

