

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11708 of 2021

Arising Out of PS. Case No.-265 Year-2019 Thana- GAYA KOTWALI District- Gaya

RAM KUMAR @ RAM KUMAR SINHA Son of Late Ganga Ram @ Ganga Prasad R/o- Piparpati, Rangbahadur Road, Near Dr. Shrikant, P.S.- Kotwali, District - Gaya.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Babita Devi Wife of Shyam Sundar Prasad R/o- Piparpati, Rangbahadur Road, Near Dr. Shrikant, P.S.- Kotwali, District - Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arvind Kumar Pradhan
For the Opposite Party/s	:	Mr.Ansar Ul Haque
		Mr. Raveen Kumar
		Mr. Uday Pratap Singh
		Mr. Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 11-10-2023 1. Heard learned counsel for the petitioner, learned counsel for the opposite party no.2 and learned APP for the State.

2. The learned counsel for the petitioner submits that the present quashing application has been filed seeking quashing of the order dated 18.12.2019 passed by the learned C.J.M., Gaya in connection with Kotwali P. S. Case No.265 of 2019, whereby cognizance of offences under Section 498(A) and 34 of the I.P.C. has been taken.

3. The learned counsel for the petitioner submits that the petitioner is brother in-law of the opposite party no.2 and



has been falsely implicated in the present case with general and omnibus allegation. It is next submitted that petitioner and the husband of the opposite party no.2 are living separately after partitioned, which was carried out in the family on 10.02.2013. It is next submitted that thereafter, the petitioner is paying his separate municipal rent. It is also submitted that the opposite party no.2 in the F.I.R. has alleged against this petitioner that he has kept the documents relating to the property and when asked, he does not furnish the same. It is thus submitted that it absolutely does not stand to reason that if the petitioner is having documents relating to his property on what basis the informant is seeking those documents. It is next submitted that whenever any dispute arises in between the husband and the wife, the entire family members are implicated in a mechanical manner with general and omnibus allegation and even the police investigates mechanically. It is further submitted that in the nature of allegation as alleged in the F.I.R., the continuation of the criminal case against the petitioner would be an abuse of the process of the Court.

4. The learned Additional P. P. along with learned counsel for the opposite party no.2 vehemently opposes the submissions made by the learned counsel for the petitioner but



are in a position to rebut his submission with regard to the allegation as alleged in the F.I.R. that the only allegation against the petitioner is that whenever the opposite party no.2 demands the documents relating to property, he does not furnish the same and rest of the allegations are ornamental in nature.

5. Considering the submission made by the learned counsel for the petitioner and in the nature of allegation as alleged in the F.I.R., the order dated 18.12.2019 passed by the learned C.J.M., Gaya in connection with Kotwali P. S. Case No.265 of 2019, whereby cognizance of offences under Section 498A and 34 of the I.P.C. has been taken, is hereby quashed. It is made clear that the present order of cognizance has been quashed only against the petitioner, namely, Ram Kumar @ Ram Kumar Sinha.

(Satyavrat Verma, J)

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