

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26849 of 2018

Arising Out of PS. Case No.-653 Year-2016 Thana- BUXAR COMPLAINT CASE District-
Buxar

-
1. Girdhari Lal Upadhyay and Anr Son of Late Brahmdutt Upadhyay,
 2. Manju Devi, Wife of Girdhari Lal Upadhyay, Both of resident of Village Police Station- Haldi, District- Balia Uttar Pradesh.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Sangeeta Upadhyay, Wife of Dhananjay Kumar Upadhyay, resident of Village Police Station- Haldi, District- Balia Uttar Pradesh, Daughter of Shiv ji Chaubey, At present resident of Village- Jawahi, Police Station- Brahmpur, District- Buxar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan, Advocate
For the Opposite Party/s	:	Mr. Pradeep Narain Kumar, APP
For the O.P. No. 2	:	Mr. Nil Kamal, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 01-11-2023 1. Heard learned counsel for the petitioners and

learned APP for the State along with learned counsel for the

O.P. No. 2.

2. The learned counsel for the petitioners submits

that the present quashing application has been filed seeking

quashing of the order 01.03.2017 passed by the learned

SDJM, Buxar in Complaint Case No. 653C of 2016

whereby cognizance of offences under Section 498A of the

IPC read with Sections 3 and 4 of the Dowry Prohibition



Act is taken.

3. The learned counsel for the petitioners next submits that petitioner no. 1 is father-in-law of the O.P. No. 2 and petitioner no. 2 is mother-in-law of the O.P. No. 2, it is next submitted that from perusal of the allegation as alleged in the complaint, it would manifest that the allegations against the petitioners are general and omnibus in nature.

4. The learned counsel for the O.P. No. 2, Mr. Nil Kamal, submits that he has instructions to make submission on behalf of the O.P. No. 2 that O.P. No. 2 does not have any objection in the event if the order 01.03.2017 passed by the learned SDJM, Buxar in Complaint Case No. 653C of 2016 whereby cognizance has been taken under Section 498A of the IPC and Sections 3 and 4 of the Dowry Prohibition Act is quashed with respect to the petitioners herein.

5. Considering the submissions made by the learned counsel for the O.P. No. 2, the order 01.03.2017 passed by the learned SDJM, Buxar in Complaint Case No. 653C of 2016 whereby cognizance of offences under



Section 498A of the IPC and Sections 3 and 4 of the Dowry Prohibition Act has been taken, **is hereby quashed.**

6. It is clarified and made clear that the present order, quashing the order of cognizance is only with respect to the petitioners herein.

7. Accordingly, the present quashing application stands allowed.

(Satyavrat Verma, J)

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