

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74859 of 2018

Arising Out of PS. Case No.-60 Year-2018 Thana- SHRIKRISHNAPURI District- Patna

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1. Anjana Rani @ Rubi Devi W/o Uma Shankar Singh
 2. Vandana Rani @ Varsha Devi W/o Adarsh Singh
 3. Vinod Kumar Singh S/o Sri Rajeshwar Singh

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sonal Kumari D/o Shailesh Kumar Singh

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Samrendra, Advocate
For the Opposite Party/s : Mr. Binod Kumar 3, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-08-2023 1. Heard learned counsel for the petitioners and learned APP for the State along with learned counsel for the informant.

2. The learned counsel for the petitioners submits that the present application has been filed seeking quashing of the order dated 16.07.2018 passed by the learned Additional Chief Judicial Magistrate, Patna whereby cognizance of offence under Sections 498A of the IPC read with Sections 3 /4 of the Dowry Prohibition Act has been taken against the petitioners in connection with S.K. Puri P.S. Case No. 60 of 2018.

3. The learned counsel for the petitioners, at the outset, submits that petitioner nos. 1 and 2 are married sister-in-



laws of the informant and petitioner no. 3 is brother-in-law of the informant i.e. husband of the sister of the husband of the informant.

4. The learned counsel next submits that informant alleges that she was married to Mukesh Kumar on 10.07.2016 and at the time of marriage, the parents of the informant gave Rs. 10 lacs car, gold ornaments etc. to the family members of her husband, but she was subjected to cruelty by the family members of the husband from the time of marriage itself, it is next alleged that on 28.04.2017, the couples were blessed with a son and the informant was doing B.D.S. from Patna and the husband was working in an Ordinance Factory, Govt. of India at Katni (M.P.). It is next alleged that the accused persons were demanding Rs. 8 lacs by way of dowry from the family members of the informant. It is next alleged that in February, 2018, the husband left the home and went somewhere without disclosing about his whereabouts and when the informant inquired from the office of the husband, she was informed that he was on leave and when she made a call, the same was responded by a lady who was with her husband, accordingly, she came to her matrimonial home at Muzaffarpur on 21.02.2018, when her mother-in-law, brother-in-law and sister-



in-laws assaulted her, it is next alleged that petitioner no. 3 used to ask O.P. No. 2 to give Rs. 8 lacs to her father-in-law, it is next alleged that husband is having illicit relationship with another lady.

5. The learned counsel submits that petitioners have been falsely implicated in the present case, it is next submitted that petitioner nos. 1 and 2 are married sister-in-laws and are living separately while petitioner no. 3 who is brother-in-law of the husband of the informant is also living separately along with his wife. It is next submitted that whenever any dispute arises between the husband and wife, the entire family members, in a mechanical manner, are implicated with general and omnibus allegation, it is further submitted that from perusal of the allegations as alleged in the FIR, it would manifest that though it is alleged that petitioner no. 3 had asked O.P. No. 2 to give Rs. 8 lacs to her father-in-law, but then the said allegation is nothing but ornamental in order to implicate him with some allegation. It is next submitted that even allegation against the petitioner nos. 1 and 2 is general and omnibus in nature and it is alleged that they taunted. It is next submitted that it is the duty of the husband to ensure the well being of his wife and also has a responsibility to ensure that the 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 member of the husband gets implicated with general and omnibus allegation.

6. The learned counsel next relies on an order dated 15.09.2010 in Criminal Miscellaneous No. 15719 of 2006 (Deepak Kumar Deep & Ors. Vs. The State of Bihar & Anr.) whereby this Hon'ble Court in similar circumstances 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 & Anr. Vs. The State of Jharkhand & Anr. Reported in (2010) 7 SCC 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 IPC are filed in the heat of the moment over trivial issue without proper deliberation. We come across a large number of such complaints which are not even *bona fide* 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 Para-35, it was recorded that 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



sufferings of ignominy. Unfortunately 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 A.P.P. for the State along with learned counsel for the informant opposes the quashing application on behalf of the petitioners, but are not able to rebut the submissions of the learned counsel for the petitioners that the allegations are general and omnibus in nature and the thrust of the allegation is against the husband of the informant.

8. Considering the submissions made by the learned counsel for the petitioners, the order dated 16.07.2018 passed by the learned Additional Chief Judicial Magistrate, Patna whereby cognizance of offence under Sections 498A of the IPC read with Sections 3 /4 of the Dowry Prohibition Act has been taken against the petitioners **in connection with S.K. Puri P.S. Case No. 60 of 2018 is hereby quashed.**

(Satyavrat Verma, J)

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