

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.14458 of 2018

Arising Out of PS. Case No.-131 Year-2016 Thana- MAHILA P.S. District- Muzaffarpur

1. Ram Krishna Sharma @ Laddu S/o Late Indu Shekhar Sharma,
2. Madhubala Devi @ Madhubala, W/o Late Indu Shekhar Sharma,
3. Manisha Kumari @ Manisha Devi @ Ginni Kumari W/o Ram Krishna Sharma,
4. Neeraj Kumar S/o Ayodhya Bihari Singh, All R/o Village- Bhadai, P.S.- Hathauri, District- Muzaffarpur.
5. Mani Mekhla, W/o Braj Bhushan Sharma, R/o Sheikhpura, East of Om Building Ahiyapur, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Sarita Kumari @ Madhu W/o Vijay Kumar, R/o Rani Talab, P.S.- Ahiyapur, District- Muzaffarpur, At present R/o SKMCH, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur

For the Opposite Party/s : Mr.Sri Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

2 13-07-2023 Heard the parties.

2. At the very outset, learned counsel for the petitioners prays for and is granted permission to withdraw the petition in respect of petitioner No. 1 Ram Krishna Sharma and petitioner No. 2 Madhubala Devi.

3. It is accordingly dismissed as withdrawn in respect of petitioner No. 1 Ram Krishna Sharma and petitioner No. 2 Madhubala Devi.

4. The present application has been filed for quashing the order dated 23.12.2017 passed by the learned Additional Chief Judicial Magistrate-VII, Muzaffarpur in trial No. 2832 of 2017 arising out of Mahila P.S. Case No.131/2016 whereby and



whereunder cognizance has been taken under Sections 498(A) of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

5. The prosecution story in short is that the marriage of the complainant was solemnized with Vijay Krishan Sharma on 01.07.2016 and soon after the marriage, she was subjected to torture and cruelty to ask her father to execute a sale deed in favour of the husband. It is further alleged that all the accused also tried to kill her and when her father went to meet her daughter (informant), he was confined and forced to execute a sale deed and took signature on a plain paper which was informed to the police. The petitioners assaulted the informant and after snatching her belongings have ousted her from her matrimonial home.

6. Learned counsel for the petitioners submits that so far as Petitioner No. 3 Manisha Devi and petitioner No. 5 Mani Mekhla are concerned, they are *Gotni*, whereas Petitioner No. 4 Neeraj Kumar Sinha is cousin (*Devar*) who has got no concern and has been falsely implicated only with a view of mount pressure of the informant and there is general and omnibus allegation against them in the F.I.R. The petitioners have also relied upon the judgment of Hon'ble Supreme Court in the case



of ***Kahkashan Kausar @ Sonam Vs. State of Bihar*** reported in
2022 SCC OnLine SC 162.

7. I have considered the submissions of the parties and also perused the materials available on record including F.I.R. It appears that Petitioner No. 3 Manisha Devi and petitioner No. 5 Mani Mekhla are concerned, they are *Gotni*, whereas Petitioner No. 4 Neeraj Kumar Sinha is cousin (*Devar*). There are general and omnibus allegations against them as the details of the allegations are missing in the Complaint.

8. Considering the aforesaid facts of this case and also considering the law laid down by the Hon'ble Supreme Court in the case of ***Kahkashan Kausar Sonam and Ors (supra)***, this application is allowed. The Mahila P.S. Case No.131/2016 registered for the offences under Sections 498(A) of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act. and all consequential proceedings arising out of aforesaid F.I.R. are hereby quashed with respect to abovenamed petitioners only in the interest of justice.

(Sandeep Kumar, J)

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