

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51470 of 2017

Arising Out of PS. Case No.-10 Year-2016 Thana- MAHILA THANA District- Begusarai

1. Shailesh Kumar Suman Son of Kedar Choudhary @ Nishakar Choudhary,
2. Raushan Kumar @ Raushan Kumar Chaoudhary S/o Kedar Chaoudhary @ Nishakar Choudhary,
3. Kedar Choudhary @ Nishakar Prasad Choudhary, S/o Late Ramashish Choudhary, All R/o Village- Rahimpur Choudhary Tola, P.S.- Muffasil, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rozi Kumari D/o Ramnath Choudhary, R/o Village- Tajpur, P.S.- Bhagwanpur, District- Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate
For the Opposite Party/s : Mr. Shyam Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-12-2023 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the opposite party no. 2.

2. The present quashing application has been filed seeking quashing of the order dated 07.06.2016 passed by the learned Sub-Divisional Judicial Magistrate, Begusarai in G.R. Case No. 1299 of 2016 arising out of Begusarai Mahila P.S. Case No. 10 of 2016 whereby cognizance of the offences under Sections 498(A) and 420 of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act has been taken.

3. Learned counsel for the petitioners submits that



petitioner no. 1 is elder brother-in-law, petitioner no. 2 is younger brother-in-law and petitioner no. 3 is father-in-law of the opposite party no. 2. It is further 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. It is next submitted that the family members are implicated only with a view to coerce the husband into submission. It is submitted that from perusal of the allegation as alleged in the FIR, it would manifest that no specific allegations are alleged against the petitioners though allegations are ornamental. Learned counsel further submits that the opposite party no. 2 was married to Saurav Kumar in a temple and she never came to her matrimonial home.

4. Learned counsel for the opposite party no. 2 appears and submits that much water has flown after the cognizance was taken by order dated 07.06.2016. It is further submitted that charges have been framed and the trial has commenced. It is next submitted that since the trial has commenced, as such, the Court at this stage should not interfere with the trial.

5. Considering the submissions made by the learned counsel for the opposite party no. 2, the Court is not inclined to



entertain the quashing application.

6. Accordingly, it is dismissed.

(Satyavrat Verma, J)

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