

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15203 of 2016

Arising Out of PS. Case No.-500 Year-2015 Thana- COMPLAINT CASE District- Banka

1. Chetlal Das son of Late Jay Nath Das
2. Suresh Das son of Late Dhani Das
3. Bebi Devi wife of Suresh Das Petitioner No. 2 and 3 are residents of village Charaiya, P.S. Kankarbagh, District Jamui.
4. Gugali Das son of Late Yaynath Das
5. Tulsi Das son of Late Jagdish Das
6. Most. Manju Kumari Devi @ Most. Manju Devi wife of Late Lileshwar Das
7. Jeevan Prakash Soni Das son of Late Lileshwar Das Petitioner No. 1, 4, 5, 6 and 7 are residents of village Nichi Chandan, P.S. Chandan, District Banka.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Arti Devi daughter of Jageshwar Rabidas resident of village Asurha, O.P. Anandpur, Bhairoganj, P.S. Chandan, District Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kamal Kishore Jha
For the Opposite Party/s	:	Mr. Ranjan Kumar Jha, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

- 5 13-09-2023 1. This is an application for quashing of the order dated 23.06.2015 passed by learned S.D.J.M., Banka in Complaint Case No. 500 of 2015 by which cognizance has been taken against the petitioners for the offences punishable under Section 498(A) of the IPC and Section 4 of the Dowry Prohibition Act.
2. Heard the learned counsel for the petitioners, learned counsel for O.P. No. 2 and learned APP for the State.



3. At the outset, learned counsel for the petitioners seeks permission to withdraw the application on behalf of petitioner no. 6 and 7 with liberty to move before the Court below at an appropriate Stage.

4. Accordingly, the application is dismissed as withdrawn only for petitioner no. 6 and 7.

5. So far as petitioner no. 1, 2, 3, 4 and 5 are concerned, they are the family members of the petitioners no. 6 and 7 and there is general and omnibus allegation against them.

6. 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. Shri Ranjan Kumar Jha, learned counsel appearing for the O.P. No. 2 is not able to deny this fact.

8. Learned APP for the State has vehemently opposed the prayer of the petitioner.

9. I have considered the submissions of the parties and also perused the materials available on record including F.I.R.

10. 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 and the order dated 23.06.2015 passed by learned S.D.J.M., Banka in Complaint Case No. 500 of 2015 is hereby quashed with regard to petitioners no. 1 to 5.

11. So far as petitioner no. 6 and 7 are concerned, the prosecution against them will continue.

(Sandeep Kumar, J)

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