

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44973 of 2018

Arising Out of PS. Case No.-12 Year-2016 Thana- MAHILA P.S. District- Muzaffarpur

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1. Indradev Mahto S/o Late Ram Dayal Mahto,
 2. Rekha Devi W/o Indradev Mahto,
 3. Sudhanshu Chand Prasad @ Sudhanshu Kumar S/o Indradev Mahto,
- Petitioner/s

Versus

1. State Of Bihar
 2. Binita Kumari D/o Ram Sagar Mahto, R/o Mohalla- Sarai Syed Ali, Lane No.1, P.S.- Kazimahmadpur, District- Muzaffarpur.
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar
For the State : Mr.Sri Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 13-03-2023 Heard the parties.

The present application has been filed for quashing the order dated 29.11.2017 passed in Muzaffarpur Mahila P.S. Case No. 12/16, Tr. No. 2827/17 by learned Sub-Divisional Judicial Magistrate, East Muzaffarpur whereby and whereunder cognizance for offences under Section 498-A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act has been taken and summons were issued for facing trial.

As per F.I.R, the marriage of informant was solemnized with Sidharth Kumar on 10.12.2013 and cash of rupees 14,05000/- and jewellery worth Rs. 22 lakhs was given as gift. Thereafter, she went to her matrimonial home and started leading her conjugal life. It is alleged that after two months, the husband and in-laws of the informant started torturing her and



all the accused persons demanded rupees 5 lakhs along with a new Maruti car as dowry was not given according to their expectation. They also tried to kill the informant by pressing her neck. On account of non-fulfillment of demand, they ousted the informant from the matrimonial home.

Learned counsel for the petitioners submits that the petitioner No. 1 (Indradev Mahto) is the Father-in-law, petitioner No. 2 (Rekha Devi) is the mother-in-law whereas petitioner No. 3 (Sudhanshu Chand Prasad) is the *Dewar* of the informant and there is general and omnibus allegation against them in the F.I.R.

The petitioner has 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.***

I have considered the submissions of the parties and also perused the materials available on record including F.I.R. It appears that the petitioner No. 1 (Indradev Mahto) is the Father-in-law, petitioner No. 2 (Rekha Devi) is the mother-in-law whereas petitioner No. 3 (Sudhanshu Chand Prasad) is the *Dewar* of the informant and there are general and omnibus allegation against her as the details of the allegations are



missing in the F.I.R.

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 F.I.R vide Muzaffarpur Mahila P.S. Case No. 12/16, Tr. No. 2827/17 by learned Sub-Divisional Judicial Magistrate, East Muzaffarpur whereby and whereunder cognizance for offences under Section 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 the petitioners only in the interest of justice.

From perusal of the F.I.R., it appears that the prosecution story as made out by the informant is unbelievable and a serious colour has been given by the offence under Section 498(A) of the I.P.C.

Considering the law laid down in the case of ***State of Haryana Vs. Bhajan Lal [(1992) Supp (1) SCC 335]***, this application is allowed.

(Sandeep Kumar, J)

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