

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60420 of 2017

Arising Out of PS. Case No.-12 Year-2017 Thana- MAHILA P.S. District- Bhagalpur

1. Shyama Devi, W/o Sita Ram Bhagat.
2. Sita Ram Bhagat, S/o Late Singheshwar Prasad Bhagat, Both resident of Village- Mirjachowki, P.S. P.O.- Mirjachowki, District- Sahebganj Jharkhand.
3. Madhu Devi, W/o Sitaram Bhagat.
4. Sitaram Bhagat, S/o Late Raghunath Bhagat, both resident of Village- Mahgama, P.S.- Mahgama, District- Godda.
5. Srawan Kumar, S/o Sitaram Bhagat, resident of Village- Mirjachowki, P.S. P.O.- Mirjachowki, District- Sahebganj Jharkhand.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Preeti Kumari, W/o Shravan Kumar, D/o- Jai Prakash Jaiwal, resident of Village P.O.- Mathurapur, P.S.- Kahalgoan, District- Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar- Advocate Mr. Ashish Kumar Sinha- Advocate Ms. Preeti- Advocate Dr. Shashi Shekhar Kishore
For the State	:	Mr. Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT

19-10-2023

1. Heard learned counsel for the petitioners and learned APP for the State.

2. The learned counsel for the petitioners, at the outset, seeks permission to withdraw the present quashing application with respect to petitioner no.5, namely, Srawan Kumar.

3. Permission is accorded.



4. Accordingly, instant petition is dismissed as withdrawn with respect to petitioner no.5, namely, Srawan Kumar.

5. The learned counsel for the rest petitioners submits that the present quashing application has been filed seeking quashing of the order dated 09.08.2017 passed by the learned C.J.M., Bhagalpur in connection with Mahila P. S. Case No.12 of 2017 dated 04.03.2017, G. R. No.753 of 2017, whereby cognizance of offences under Sections 498(A), 341, 323, 504, 506 and 34 of the I.P.C. read with 3/4 of the D. P. Act has been taken.

6. The learned counsel for the petitioners next submits that the opposite party no.2, herein, alleges that she was married to Srawan Kumar on 07.12.2014 and at the time of marriage, gift of Rs.6 Lacs in cash along with ornaments and other articles as detailed in the F.I.R. were given. It is next alleged that after marriage, the husband along with the accused persons started demanding Rs.2 Lacs in cash along with a colour television and a Hero Honda Motorcycle. Further, out of the wedlock, a child was born. It is next alleged that the opposite party no.2 was threatened by the accused persons



that in the event, if the dowry demand of Rs.2 Lacs along with other articles will not be fulfilled, then she will be killed along with the child.

7. The learned counsel for the petitioners submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that there is no specific allegation alleged against the petitioners. The learned counsel next submits 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 petitioner no.1 is mother in-law of opposite party no.2, petitioner no.3 is married sister in-law (Nanad) of opposite party no.2 and petitioner no.4 is husband of petitioner no.3. The learned counsel next submits that the petitioner no.1, 3 and 4 have been implicated in the present case with general and omnibus allegation only with a view to coerce the husband into submission, so that an amicable settlement is reached in between the opposite party no.2 and her husband.

8. The learned counsel for the petitioners next submits that the husband of opposite party no.2 is an adamant



man and he does not listen to his family members. It is next submitted that he had filed Divorce Case being original Suit No.110 of 2018 in the Court of the learned Principal Judge, Family Court, Godda. It is next submitted that the divorce case, on contest, was allowed and a permanent alimony of Rs.10 Lacs was awarded to the opposite party no.2 and at the same time, the husband was directed to pay a monthly maintenance of Rs.5,000/- to the child. It is next submitted that the husband of the opposite party no.2 has paid an amount of Rs.4 Lacs to the opposite party no.2 instead of Rs.10 Lacs till date, but the monthly maintenance of Rs.5,000/- for the child is being paid regularly. It is further submitted that even the opposite party no.2 has not filed any appeal against the judgment dated 24.06.2022 passed by the learned Principal Judge, Family Court, Godda in divorce case. It is next submitted that it is always the duty of the husband to maintain his wife with honour and dignity, but since they have separated, as such, the present petitioners are not in a position to do much. It is also submitted that since the opposite party no.2, now, has been divorced, as such, keeping the case pending against the petitioners will be an abuse of the process



of the Court, when admittedly, the allegations against them are general and omnibus in nature.

9. The learned Additional P. P. opposes the quashing application.

10. Considering the submissions made by the learned counsel for the petitioners, the order dated 09.08.2017 passed by the learned C.J.M., Bhagalpur in connection with Mahila P. S. Case No.12 of 2017 dated 04.03.2017, G. R. No.753 of 2017, whereby cognizance of offences under Sections 498(A), 341, 323, 504, 506 and 34 of the I.P.C. read with Section 3 and 4 of the D. P. Act is hereby quashed.

11. It is made clear that the order of cognizance has been quashed only against the petitioners and not against the husband of the opposite party no.2.

(Satyavrat Verma, J)

vikash/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	19.10.2023
Transmission Date	19.10.2023

