

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40883 of 2021**

Arising Out of PS. Case No.-272 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

1. Ajit Giri S/O Om Prakash Giri Resident Of Village- Pakri, P.S.- Mohammadpur, District- Gopalganj.
2. Gayatri Devi W/O Om Prakash Giri Resident Of Village- Pakri, P.S.- Mohammadpur, District- Gopalganj.
3. Om Prakash Giri S/O Late Baban Giri Resident Of Village- Pakri, P.S.- Mohammadpur, District- Gopalganj.
4. Anish Giri S/O Om Prakash Giri Resident Of Village- Pakri, P.S.- Mohammadpur, District- Gopalganj.
5. Mala Devi W/O Anish Giri Resident Of Village- Pakri, P.S.- Mohammadpur, District- Gopalganj.
6. Sarita Devi W/O Sanjiv Giri Resident Of Village- Banaura, P.S.- Baikunthpur, District- Gopalganj.
7. Sanjiv Giri S/O Baccha Giri Resident Of Village- Banaura, P.S.- Baikunthpur, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sarita Devi W/o Ajit Giri, Daughter of Devendra Giri Resident of Village- Bharehawa, P.S.- Runnisaaidpur, District- Sitamarhi.

... .. Opposite Party/s

**Appearance :**

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|--------------------------|---|---------------------------------------|
| For the Petitioner/s     | : | Mr.Dhananjay Kumar Upadhyay, Advocate |
| For the Opposite Party/s | : | Mr.Jai Narain Thakur, APP             |
| For O.P. No. 2           | : | Mr. Puspendra Singh, Advocate         |

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL ORDER**

4      11-07-2023

At the outset, learned counsel for the petitioners prays for and is granted to withdraw this application on behalf of petitioner no. 1, 2 and 3.

This application is dismissed as withdrawn with regard to petitioner no. 1,2 and 3 only. The grounds relied upon by the petitioner no. 1, 2 and 3 can be raised at a subsequent stage.



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

The present application has been filed for quashing F.I.R vide Runnisaidpur P.S. Case No. 272 of 2020/G.R. No. 2108 of 2020 registered for the offences under Sections 379, 323, 498A, 341, 494 and 34 of the Indian Penal Code and under Section 3/4 of Dowry Prohibition Act.

As per F.I.R, the marriage of informant was solemnized with Ajit Giri on 06.06.2014 thereafter, she went to her matrimonial home and started leading her conjugal life. Two children were born out of her wedlock. It is alleged that after some years, the accused persons started torturing the informant and all the accused persons demanded Rupees 3 Lakhs as dowry. On account of non-fulfillment of demand, they ousted the informant from the matrimonial home and also assaulted her.

Learned counsel for the petitioners submits that petitioner no. 4, 5, 6 and 7 are the junior members of the family 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***



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I have considered the submissions of the parties and also perused the materials available on record including F.I.R. It appears that petitioners are the junior members of the family. There are general and omnibus allegation against them 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 Runnisaipur P.S. Case No. 272 of 2020/G.R. No. 2108 of 2020 registered for the offences under Sections 379, 323, 498A, 341, 494 and 34 of the Indian Penal Code and under Section 3/4 of Dowry Prohibition Act and all consequential proceedings arising out of aforesaid F.I.R are hereby quashed with respect to petitioner no. 4, 5, 6 and 7 only in the interest of justice and further proceeding with regard to petitioner no. 1, 2 and 3 shall continue.

**(Sandeep Kumar, J)**

Harsh/

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