

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19860 of 2016

Arising Out of PS. Case No.-605 Year-2013 Thana- PHULWARISHARIF District- Patna

Urmila Devi W/o Late Sahja Nand Singh Resident of Birla Colony P.S.
Phulwarisharif, Town and District- Patna.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Vandana Kumari W/o Ajit Kumar, D/o Girish Chandra R/o Ram Das Path,
Mithapur B Area, P.S.- Jakkanpur, Patna-7.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dayanand Singh

For the Opposite Party/s : Mr. Parmanand Prasad App

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 29-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. Learned counsel for the petitioner submits that by
order dated 04.05.2023, notices were issued upon the O.P. No.

2. It is next submitted that in compliance of the order dated
04.05.2023, notices were filed in time but the office report
records that the notices have been returned unserved as O.P. No.

2 could not be traced at the given address. Learned counsel
submits that notices were issued on the address as provided by
the O.P. No. 2 in the FIR. It is next submitted that since O.P.No.
2 has performed her re-marriage, as such, she is not staying at
the address which was furnished in the FIR and the petitioner



who is mother-in-law of O.P.No. 2 is not in a position to verify the present and new address.

3. In view of the submissions made by the learned counsel for the petitioner that O.P. No.2 has performed her re-marriage, as such, the Court does not intend to issue notices afresh. Learned counsel next submits that the petitioner is the mother-in-law of the O.P. No. 2. Learned counsel submits that prior to filing the present quashing application, the husband of the petitioner had died on 06.07.2015 (*Annexure-5*) and her son died on 24.04.2017 i.e., after filing of the quashing application. It is next submitted that after the death of her son, who was the husband O.P. No. 2, the O.P. No. 2 performed her second marriage. It is next submitted that from perusal of allegations as alleged in the FIR, it would manifest that the allegations are general and omnibus in nature. It is also submitted that whenever any dispute arises between the husband and the wife, the entire family members gets implicated in a mechanical manner. It is next submitted that since the O.P. No. 2 has performed her re-marriage, as such, she will never appear in the case, as such, it is submitted that the order dated 12.12.2014 passed by learned Shri Jyoti Prakash J.M. Patna in Phulwari Case No. 605 of 2013, whereby cognizance against the



petitioner has been taken under Section 3 and 4 of the Dowry Prohibition Act read with Sections 498A and 34 of the I.P.C. be quashed.

4. Learned A.P.P. for the State opposes the present quashing application of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the order dated 12.12.2014 is quashed.

6. However, the O.P. No. 2 would be at liberty to move this Court seeking recall of the present order in the event if she has not re-married as one of the consideration for quashing the order of cognizance is that the O.P. No. 2 has performed her re-marriage.

(Satyavrat Verma, J)

HarshPandey/-

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