

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25568 of 2017

Arising Out of PS. Case No.-85 Year-2016 Thana- GAYA KOTWALI District- Gaya

1. MASROOR ALAM @ MD. MASRUR ALAM Son of Late Md. Mustafa.
2. Md. Firoz @ Md Firog Alam, Son of Late Md. Amiruddin @ Md. Amiruddin Miran, Both Resident of Village- Tanger Banshi, S.B.I. Bank, P.S.- Mandar, District- Ranchi, Jharkhand.
3. Reshma Taassum @ Runi Praveen, W/o Md. Sajid.
4. Seema @ Seema Praveen, W/o Md. Taufique Alam,
5. Md. Sajid @ Sajid Hussain, Son of Late Jaheed Hussain, Resident of Anjuman Hospital, Karballa Chowk, P.S.- Lower Bazar, District- Ranchi.
6. Md. Taufique @ Taufique Alam, Son of Md. Sarfull Haque, Resident of Mohalla- Mangal Road, Somwaz Bazar, Police Station- Lohardagga, District- Lohardagga Jharkhand.
7. Rukhsana @ Rukhsana Begum, W/o Md. Hafeez, D/o Amiruddin Mian.
8. Sahahnaz @ Shahnaaz Begum, W/o Md. Soiab Alam, D/o Amiruddin Mian.
9. Iskana @ Iskana Begum, W/o Md. Mansaf D/o Amiruddin Mian.
10. Ruby @ Ruby Praveen, W/o Md. Jair , D/o Amiruddin Mian, Four R/o Village- Tangerbanshali, Near S.B.I. Bank, Police Station- Mandir, District- Ranchi, Jharkhand.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Shama Praveen , W/o Md. Taufique Alam, D/o Safdar Ali, Resident of Mohalla- Panchayati Akhara, Bank Lane No. 3, Police Station- Kotwali, District- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kr. Sinha
For the Opposite Party/s : Mr. Ram Priya Saran Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 08-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The present application has been filed for quashing
the order dated 06.12.2016 by which cognizance has been taken
by the learned Chief Judicial Magistrate, Gaya, under Sections



498(A), 506/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act in connection with Kotwali P.S. Case No. 85/16.

3. As per F.I.R, the marriage of the informant was solemnized with Taufique Alam on 05.04.2014. Soon after the marriage, the informant was subjected to torture and cruelty for non-fulfillment of demand of dowry.

4. Learned counsel for the petitioners submits that petitioner No. 1 is the brother-in-law of the informant, petitioner No. 2 is the uncle of the husband of the informant, petitioner No. 3 and 4 are the sisters-in-law of the informant, petitioners No. 5 and 6 is the husband of sisters-in-law of the informant whereas petitioner No. 7 to 10 are Aunti (Fufi) of these petitioners and there are general and omnibus allegations against them in the F.I.R. The petitioners have also relied upon the judgment of Hon'ble Supreme Court passed in the case of ***Kahkashan Kausar @ Sonam Vs. State of Bihar*** reported in ***2022 SCC OnLine SC 162***.

5. I have considered the submissions of the parties and also perused the materials available on record including the F.I.R. It appears that petitioners are the close relatives of the informant (mentioned above) and they are living separately



having no concern with the family affairs of the informant. There are general and omnibus allegation against them. The details of the allegations are missing in the F.I.R.

6. 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.

7. The order dated 06.12.2016 by which cognizance has been taken by the learned Chief Judicial Magistrate, Gaya, under Sections 498(A), 506/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act in connection with Kotwali P.S. Case No. 85/16 and all consequential proceedings arising out of aforesaid F.I.R are hereby quashed with respect to petitioners only in the interest of justice.

8. So far as the prosecution of the other accused persons are concerned, the same shall continue.

9. Let a copy of the order be communicated to the learned District Judge, Gaya through FAX and e-mail forthwith for compliance of the order.

(Sandeep Kumar, J)

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