

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15214 of 2016

Arising Out of PS. Case No.-1672 Year-2013 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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1. Raj Kumar Ram son of Shekho Ram @ Sheikh Ram
 2. Shekho Ram son of Late Basudeo Ram
 3. Rajesh Ram son of Shekho Ram @ Sheikha Ram null
 4. Bachchi Devi wife of Shekho Ram @ Sheikha Ram
 5. Sarita Devi wife of Rajesh Ram All residents of Village - Mehus, Police Station - Mehus, District - Sheikhpura.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Nirjala Kumari wife of Raj Kumar Ram, D/o Dinesh Ram R/o Mauza Jamsari, P.S. - Bind, District - Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabi Bhushan

For the Opposite Party/s : Mr.Nirmal Kumar Sinhaapp

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

- 3 13-09-2023 1. This is an application for quashing of the order dated 10.03.2015 passed by the learned S.D.J.M. Nalanda at Bihar Sharif in connection with Complaint Case No. 1672 C of 2013 by which the cognizance has been taken against the petitioners under Section 498(A) of the I.P.C. and Section 3/4 of the Dowry Prohibition Act.
2. There is direct allegation of torture and demand of dowry against the petitioner no. 1 (Husband), petitioner no. 2 (Father-in-law) and petitioner no. 4 (Mother-in-law).
3. In these circumstances, I am not inclined to



interfere in the cognizance order with regard to them.

4. The application of the petitioner no. 1, 2 and 4 is hereby dismissed.

5. Learned counsel for the petitioners submits that petitioner no. 3 is the brother-in-law and petitioner no. 5 is the sister-in-law of O.P. No. 2 and there is general and omnibus allegation against them. Learned counsel for the petitioners 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*.

6. Learned APP for the State has vehemently opposed the prayer of the petitioners.

7. I have considered the submissions of the parties and also perused the materials available on record. So far as the petitioners no. 3 and 5 are concerned, they are the brother-in-law and the sister-in-law of the O.P. No. 2 and there is general and omnibus allegation against them.

8. 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 and the order dated 10.03.2015 passed by the learned S.D.J.M. Nalanda at Bihar



Sharif in connection with Complaint Case No. 1672 C of 2013 and all consequential arising out of the complaint case is hereby quashed in the interest of justice so far as the petitioners no. 3 and 5 are concerned.

9. So far as petitioner no. 1, 2 and 4, the prosecution against them will continue.

10. This application stands partly allowed.

(Sandeep Kumar, J)

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