

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31199 of 2015

Arising Out of PS. Case No.-158 Year-2014 Thana- JAKKANPUR District- Patna

Kunal Jyoti

... .. Petitioner/s

Versus

1. State Of Bihar
2. Minu Jyoti

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Indradeo Prasad
For the O.P. No. 2	:	Mr. Chandra Mohan Jha
For the Opposite Party/s	:	Mr.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 17-02-2023 Heard the parties.

The present application has been filed for quashing the order dated 20.06.2014 passed by learned J.M. 1st Class, Patna vide Jakkanpur P.S. Case No. 158 of 2014 registered for the offences under Sections 498-A/379/34 of the Indian Penal Code.

The prosecution story in short is that the O.P. No. 2 (Minu Jyoti) was married on 18.04.2012 to the brother of the petitioner. Soon after the marriage, she was subjected to torture and harassment due to non-fulfillment of demand of dowry. It is further alleged that taking advantage of the illness of the husband of the opposite party No. 2, they snatched all her jewellery. Leaving her, they went to Delhi with her husband and



when the opposite party No. 2 reached Delhi with her father on 14.14.2014, her husband died. After the death of her husband, they did not allow to enter into her matrimonial house.

Learned counsel for the petitioner submits that petitioner is the *Dewar* of the informant who is a permanent resident of Delhi even before marriage and there is general and omnibus allegation against him in the F.I.R. The petitioner 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***.

I have considered the submissions of the parties and also perused the materials available on record including F.I.R. It appears that petitioner is the *Dewar* of the informant and who lives in Delhi. There are general and omnibus allegation against him 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 order dated 20.06.2014 passed by learned J.M. 1st Class, Patna vide Jakkanpur P.S. Case No. 158 of 2014 registered for the offences under Sections 498-A/379/34 of the Indian Penal Code and all consequential proceedings



arising out of aforesaid F.I.R are hereby quashed with respect to
petitioner only in the interest of justice.

(Sandeep Kumar, J)

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