

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50236 of 2017

Arising Out of PS. Case No.-359 Year-2015 Thana- PHULWARISHARIF District- Patna

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1. Pramod Kumar Son of Sri Nand Kishore Sinha N.K. Sinha, R/o Mohalla- Purnendu Nagar Khoja Imli, Town and P.S.- Phulwarishari, District- Patna.
 2. Namrata @ Soni wife of Shri Dhanjay Kumar, D/O- Sri N.K. Sinha, Resident of 1-836, Raj Legacy-II, Opp. Surya Nagar, Vikhroli West, Mumbai.400083

... .. Petitioner/s

Versus

1. State Of Bihar
2. Amrita Pritam D/o Sri Akshay Kumar, R/o Mohalla- Nai Sarai, Bhadani Gali, P.S.- Biharsharif, District- Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Abhay Shankar Singh
For the Opposite Party/s	:	Mr.Sri Tarkeshwar Nath Thakur
For the O.P. No. 2	:	Mr. Sumit Kumar
		Mr. Lawnish Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 08-08-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The present application has been filed for quashing the order dated 19.07.2017 passed by the S.D.J.M., Patna in connection with Phulwari Sharif P.S. Case No. 359/2015 registered for the offences under Sections 323/379/498-A/504/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

3. As per F.I.R, the informant was married to Navnish Saurabh on 15.12.2013. Soon after the marriage, the informant



was subjected to torture and cruelty for demand of a car and a flat. Ultimately, the father of the informant gave money for car. The informant along with his husband went to Bangalore where her husband was working in a private company.

4. Learned counsel for the petitioners submits that petitioner No. 1 is the uncle of the husband of the informant whereas petitioner No. 2 is the aunt (*Phua*) of the husband of the informant and there is general and omnibus allegation against them in the F.I.R. Learned counsel for the petitioners has 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 F.I.R. It appears that petitioner No. 1 is the uncle of the husband of the informant whereas petitioner No. 2 is the aunt (*Phua*) of the husband of the informant and there are general and omnibus allegation against them as 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. Accordingly, the order dated 19.07.2017 passed by the S.D.J.M., Patna in connection with Phulwari Sharif P.S. Case No. 359/2015 registered for the offences under Sections 323/379/498-A/504/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act and all consequential proceedings arising out of aforesaid F.I.R are hereby quashed with respect to petitioners only in the interest of justice.

(Sandeep Kumar, J)

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