

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60050 of 2022

Arising Out of PS. Case No.-216 Year-2022 Thana- NATHNAGAR District- Bhagalpur

1. Sadhna @ Sadhna Choudhary @ Sadhana Kumari Wife of Pusp Raj @ Pusp Raj Choudhary R/V- Makandpur, P.s- Nath Nagar, Dist- Bhagalpur
2. Pusp Raj @ Pusp Raj choudhary @ Pushpraj Son of Shaligram Choudhary R/V- Makandpur, P.s- Nath Nagar, Dist- Bhagalpur
3. Pratik @ Pratik Raj Son of Pushpraj @ Pushpraj Choudhary R/V- Makandpur, P.S- Nath Nagar, Dist- Bhagalpur, at present residing at Z-62, Top Floor, West Patel Nagar, Delhi, 110008

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shikha Tiwari Wife of Pratik R/V- Makandpur, Post- Rannuchak, P.S- Nath Nagar, Dist- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimal Kumar Jha, Advocate Mr. Samrendra Kumar, Advocate Mr. Ajay Kumar Jha, Advocate
For the Opposite Party/s :		Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-08-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The present application has been filed seeking quashing of the FIR being Nath Nagar P.S. Case No. 216 of 2022 (G.R. No. 1249 of 2022) dated 02.04.2022 instituted for the offences punishable under Sections 341, 323, 498(A), 504, 506 and 34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

3. Learned counsel for the petitioners submits that the



informant alleges that she was married to Pratik Raj on 13.07.2016 and at the time of marriage, one i20 car was also gifted. On 2nd of January, 2018 a son Suyash was born out of the wedlock, but the husband along with mother-in-law and father-in-law started demanding dowry of Rs. Five Lakhs and on non-fulfillment of the same, she was tortured and assaulted. It is next alleged that in 2018, her husband went to Delhi for job and used to come to home in between and whenever he came back, he used to demand dowry. It is further alleged that on 02.04.2022 at 7:30 am, when she woke up, her mother-in-law started abusing her and asked her to vacate the house and when she objected that why she is being treated in such manner, then her husband along with mother-in-law and father-in-law started abusing and assaulted her by fist and ousted her from her matrimonial home and kept the child. Accordingly, she informed her parents who brought her to the police station where the FIR was instituted.

4. Learned counsel for the petitioners submits that from perusal of the allegations as alleged in the FIR it would manifest that the same are general and omnibus in nature, it is next submitted that the informant has also instituted a case under Section 125 of the Cr.P.C. before the court of learned Family Judge Principal Court, Gwalior at Madhya Pradesh



being Case No. 604 of 2019 wherein she is demanding maintenance of Rs. 40,000/- per month for sustaining herself. It is further submitted that from perusal of paragraph '5' of the said application filed under Section 125 Cr.P.C., it would manifest that it gives an impression that informant prior to filing of the maintenance case was not residing with her in-laws and husband, it is thus submitted that allegation in the FIR, which was instituted in the year 2022 that she was ousted from her matrimonial home, gets discredited.

5. Shri Chandra Bhushan Prasad, the learned A.P.P. for the State, vehemently opposes the quashing application and submits that the petitioners are seeking quashing of an FIR and in the event, if the FIR is quashed, the entire allegation gets nipped in the bud itself. He further submits that the submissions made by the learned counsel for the petitioners are in nature of defence which cannot be seen at this stage. It is further submitted that in the event, if what has been submitted by the learned counsel for the petitioners is true, in that event, he has remedies available in law by bringing such facts to the notice of the concerned investigating authority so that the matter is investigated threadbare and thereafter either a final form or charge-sheet will be submitted.



6. Considering the submissions made by the learned A.P.P. for the State, the Court is not inclined to entertain the quashing application at this stage.

7. The quashing application is thus rejected.

(Satyavrat Verma, J)

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