

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64127 of 2023

Arising Out of PS. Case No.-720 Year-2021 Thana- DIGHA District- Patna

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1. Kumar Ankit, Son Of Shri Kailash Prasad Bhagat R/O 53/6, Manikya Nilayam, Vinayaka Layout, Halnayaknahalli, Sarjapur Road, Bangalore-35
 2. Anuradha Bhagat, Wife Of Sri Kailash Prasad Bhagat Resident Of Flat No. 203, Kamala Enclave, Sardar Patel Colony, Near Patilputra Telephone Exchange, Kurji, Ps- Digha, Dist- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Riju Kumari @ Riju Prasad Wife Of Harshit Prasad Resident Of C/O Sri S.P. Verma, House No. 12, Road No. 21, Rajiv Nagar, Patna 24

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Aashiwat- Advocate
		Mr. Kumar Samarjeet Singh
For the Opposite Party/s :		Mr. Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-11-2023 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The learned counsel for the petitioners submits that the present quashing application has been filed seeking quashing of the F.I.R., being Digha P. S. Case No.720 of 2021, registered under Section 498-A of the I.P.C. read with Sections 3 and 4 of the D. P. Act.

3. The learned counsel for the petitioners submits that petitioner no.1 is brother in-law of the opposite party no.2 and petitioner no.3 is mother in-law of the opposite party no.2. It is



further submitted that whenever any dispute arises in between the husband and the wife, the entire family members are implicated in a mechanical manner with general and omnibus allegation. It is next submitted that from perusal of the allegations as alleged in the F.I.R., it would manifest that the allegations against the petitioners are general and omnibus in nature and lack in essential details and thus, is cryptic as far as petitioners are concerned. It is next submitted that it is the duty of the husband to ensure the well-being of his wife, but in event of dispute, the entire family members are implicated in order to coerce the husband into submission. The learned counsel further submits that from perusal of the allegation, it would manifest that the entire family members have been implicated with different allegations, the sister in-law has been implicated alleging that she stays in Bengaluru, but from Bengaluru through her mother (petitioner no.2) and brother gets the informant tortured, as such, it is submitted that the vagueness of the allegation, as alleged, gives an impression that with a view to settle score with her husband implicated the entire family members.

4. The learned Additional P. P. opposes the quashing application and submits that no doubt, what has been submitted



by the learned counsel for the petitioners is true, but then, that is a general submission. It is further submitted that the case is at the stage of the investigation and it cannot be presumed that the police will not look into the case fairly and will investigate properly.

5. At this stage, the learned counsel for the petitioners seeks permission to withdraw the present quashing application with liberty to the petitioners to raise all issues at an appropriate stage.

6. Permission is accorded.

7. Accordingly, the quashing application is dismissed as withdrawn with the liberty aforesaid.

8. The Court expects that the police will investigate the case fairly.

(Satyavrat Verma, J)

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