

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61158 of 2019

Arising Out of PS. Case No.-849 Year-2018 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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1. PRAMOD KUMAR JHA Son of Late Yugeshwar Jha Resident of Village - Goraul Bhagwanpur, P.S.- Goraul, District - Vaishali
 2. Dharmashila Devi Wife of Pramod Kumar Jha Resident of Village - Goraul Bhagwanpur, P.S.- Goraul, District - Vaishali
 3. Sachidanand Jha @ Paltan Jha Son of Pramod Kumar Jha Resident of Village - Goraul Bhagwanpur, P.S.- Goraul, District - Vaishali
 4. Durgesh Nandani Wife of Sachidanand Jha @ Paltan Jha Resident of Village - Goraul Bhagwanpur, P.S.- Goraul, District - Vaishali
 5. Nitigya Kumari Daughter of Sachidanand Jha @ Paltan Jha Resident of Village - Goraul Bhagwanpur, P.S.- Goraul, District - Vaishali

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Bibha Devi Wife of Vivekanand Jha D/O Satish Jha, Resident of Village - Rajla, P.S.- Kudhani, Dist.- Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Thakur, Advocate
For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 17-08-2023 Heard learned counsel for the petitioners, learned

APP for the State and learned counsel for the opposite party no.

2.

2. The present application has been filed for quashing
order dated 18.01.2019 passed by learned A.C.J.M-III,
Muzaffarpur in connection with Complaint Case No. 849 of
2018 by which learned Magistrate has taken cognizance against
the petitioners for the offences under Sections 498A, 323, 504
and 34 of the Indian Penal Code.

3. As per complaint, the marriage of complainant was



solemnized with Vivekanad Jha on 12.05.2003, thereafter, she went to her matrimonial home and started leading her conjugal life. Three children were born out of their wedlock. It is alleged that after some years, the husband of the complainant started torturing her and all the accused persons demanded some land and Rupees 2 lakhs as dowry. It is also alleged that her husband has illicit relationship with his bhabhi. It is further alleged that a panchayti was also convened in which complainant's husband confessed his guilt and gave written assurance for keeping her with full honour but she was subjected to torture and cruelty and ultimately she has been ousted from her matrimonial house.

4. Considering the serious allegations levelled against petitioner nos. 1 and 2, this application is dismissed with regard to petitioner nos. 1 and 2 with liberty to raise all the grounds at the stage of framing of charge.

5. So far as, petitioner nos. 3, 4 and 5 are concerned. They are the junior members of the family and there is general and omnibus allegation levelled against them in the complaint and there is no specific allegation levelled against them.

6. Considering the aforesaid facts of this case, this application is allowed with regard to petitioner nos. 3, 4 and 5. The impugned order dated 18.01.2019 passed by learned



A.C.J.M-III, Muzaffarpur in connection with Complaint Case No. 849 of 2018 and all consequential proceedings arising out of aforesaid complaint are hereby quashed with respect to petitioner nos. 3, 4 and 5 only and the prosecution case against petitioner nos. 1 and 2 is dismissed in the interest of justice.

(Sandeep Kumar, J)

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