

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70355 of 2022

Arising Out of PS. Case No.-81 Year-2022 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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1. DR. SUSHIL KUMAR PURBEY SON OF LATE RAAS BIHARI PURBEY R/O GODAVARI MATERNITY CENTRE (WEST FROM OLD BUS STAND), P.S.- UNIVERSITY (DARBHANGA), DISTRICT- DARBHANGA
 2. DR. RAJSHREE PURBEY @ RAJ SHREE KUMARI WIFE OF DR. SUSHIL KUMAR PURBEY R/O GODAVARI MATERNITY CENTRE (WEST FROM OLD BUS STAND), P.S.- UNIVERSITY (DARBHANGA), DISTRICT- DARBHANGA
 3. SHRISTI PURBEY D/O DR. SUSHIL KUMAR PURBEY R/O GODAVARI MATERNITY CENTRE (WEST FROM OLD BUS STAND), P.S.- UNIVERSITY (DARBHANGA), DISTRICT- DARBHANGA

... .. Petitioner/s

Versus

1. The State of Bihar
2. SMT. DR. ANAMIKA KUMAR WIFE OF DR. RISHI RAJ R/O GODAVARI MATERNITY CENTRE (WEST FROM OLD BUS STAND), P.S.- UNIVERSITY (DARBHANGA), DISTRICT- DARBHANGA

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Manoj Kumar Pandey
For the Opposite Party/s :	Mr.Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 08-08-2023 In pursuance of the order dated 25.07.2023, both the parties have appeared in court today.

Heard learned counsel for the parties.

The present application has been filed for quashing the order dated 07.09.2022 passed by the learned Judicial Magistrate, 1st Class, Darbhanga whereby and whereunder cognizance has been taken against the petitioners for the offences punishable under Sections 341/323/498(A)/34 of the



Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The prosecution story in short is that the marriage of the informant Dr. Anamika Kumari was solemnized on 08.07.2019 with Dr. Rishi Raj (son of the petitioners No. 1 and 2). Soon after the marriage, the informant was subjected to torture and cruelty for non-fulfillment of demand of a BMW car and other valuable items. It is further alleged that on 18.03.2022, the accused persons tried to kill the informant by pressing her neck.

This Court has tried to settle the dispute between the parties, but failed.

The allegations levelled against the accused persons are serious. At the stage of cognizance, a *prima facie* case has been found against the petitioner No. 1 and the petitioner No. 2. The petitioner No. 3 (Shristi Purbey, *Nanad* of the informant), is concerned, there is general and omnibus allegation against her.

In view of the above, I am not inclined to interfere in the impugned order as far as petitioners No. 1 and 2 are concerned.

Accordingly, this application is dismissed against Dr. Sushil Kumar Purbey (Petitioner No. 1) and Dr. Rajshree



Purbey (Petitioner No. 2).

So far as the application against petitioner No. 3, Shristi Purbey, who is the unmarried *Nanad* of the informant is concerned, is allowed relying upon the judgment of the Hon'ble Supreme Court passed in the case of *Kahkashan Kausar @ Sonam Vs. State of Bihar* reported in *2022 SCC OnLine SC 162*.

Accordingly, all consequential proceedings arising out of LNMU P.S. Case No. 81 of 2022 registered under Sections 341/323/498(A)/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act are hereby **quashed with respect to petitioner No. 3 only** in the interest of justice.

The court below is directed to proceed with the case expeditiously and conclude the trial within a year.

Let a copy of the order be communicated to the District Judge, Darbhanga through FAX and e-mail forthwith for compliance of the order.

(Sandeep Kumar, J)

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