

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85655 of 2019

Arising Out of PS. Case No.-13 Year-2018 Thana- MAHILA THANA District- Begusarai

1. ASHA DEVI Wife of Ganesh Prasad @ Ganesh Prasad Gupta @ Ganesh Gupta Resident of Village - Nonpur, P.S.- Teghra, District - Begusarai
2. Ganesh Prasad @ Ganesh Prasad Gupta @ Ganesh Gupta Son of Niras Lal Resident of Village - Nonpur, P.S.- Teghra, District - Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manisha Kumari Daughter of Surendra Prasad Gupta Presently resident of village - Sokahara-2 Ward No. 9, Kalambag Choudhary Tola, P.S.- Phulwaria, District - Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sandip Kumar Gautam, Adv.
For the Opposite Party/s	:	Mr. Ram Sumiran Rai, APP
For the O.P. No.2	:	Ms. Vanshika, Adv.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 06-11-2023 1. Heard the learned counsel for the petitioners and the learned APP Mr. Ram Sumiran Rai for the State and the learned counsel for the O.P. No.2 Ms. Vanshika.

2. The learned counsel for the petitioners submits that the present quashing application has been filed seeking quashing of the order dated 26.06.2019, passed by the learned S.D.J.M., Begusarai, in connection with Mahila P.S. Case No.13/2018, whereby cognizance of offences under sections 498(A), 323, 341, 504, 34 of the Indian Penal Code read with section 4 of Dowry Prohibition Act has been taken.



3. The learned counsel for the petitioners, at the outset, submits that the petitioners are mother-in-law and father-in-law of the O.P. No.2, it is next submitted that from bare perusal of the allegation, as alleged in the F.I.R., it would manifest that the allegations against the petitioners are general and omnibus in nature, it is next submitted that even the F.I.R. is lacking in essential detail and is vague and thus is cryptic in so far as the petitioners are concerned. The learned counsel further submits that whenever any dispute arises in between the husband and the wife, the entire family members are implicated in a mechanical manner and the police also investigates the case mechanically.

4. The learned counsel further submits that the O.P. No.2 herein instituted the aforesaid F.I.R. alleging therein that she was married to Pankaj Kumar Gupta on 23.04.2015, at the time of marriage, her father had given gifts as detailed in the F.I.R. but 15 days after marriage, the husband along with other accused persons started demanding dowry of Rs.5 lac and for non-fulfillment of the same, she was tortured, further that her husband used to assault her brutally, it is next alleged that on 10.11.2017, a panchayati was held, in which, her husband had assured that he will not assault her further but on 11.04.2018



again she was assaulted by her husband.

5. The learned counsel next submits that since the petitioners are mother and father of the husband of the O.P. No.2, as such, they have been implicated in the present case with general and omnibus allegation with a view to coerce the husband into submission, it is next submitted that no specific allegation of demand is alleged against the petitioners and that perhaps explains the reason why at the outset it was submitted that F.I.R. was vague, cryptic, lacking in details as far as the petitioners are concerned.

6. The learned counsel for the petitioners next relies on an order dated 15.09.2010 in Cr. Misc. No. 15719/2006 (Deepak Kumar Deep & Ors vs. State of Bihar & Anr), whereby this Hon'ble Court in similar circumstance was pleased to quash the order of cognizance on an order passed by the Hon'ble Supreme Court, in the case of **Preeti Gupta & Another Versus State of Jharkhand & Another**, reported in **2010 (7) SCC 667**, wherein at para-30, the Hon'ble Supreme Court had recorded that:-

“30. It is a matter of common experience that most of these complaints under section 498A IPC are filed in the heat of the moment over trivial issues without proper deliberations. We come across a large number of such complaints which are not even bona fide and are filed with



oblique motive. At the same time, rapid increase in the number of genuine cases of dowry and harassment are also a matter of serious concern.”

Thereafter, at para-35, it was recorded that:-

“35. The criminal trials lead to immense sufferings for all concerned. Even ultimate acquittal in the trial may also not be able to wipe out the deep scars of suffering of ignominy. Unfortunately, a large number of these complaints have not only flooded the courts but also have led to enormous social unrest affecting peace, harmony and happiness of the society.”

7. The learned counsel for the O.P. No.2 vehemently opposed the submissions made by the learned counsel for the petitioners but is not in a position to rebut the submissions of the learned counsel for the petitioners that the allegation against the petitioners are general and omnibus in nature and the F.I.R. is vague, cryptic and lacking in essential details with respect to the petitioners herein.

8. Considering the submissions made on behalf of the learned counsel for the petitioners, the order dated 26.06.2019, passed by the learned S.D.J.M., Begusarai, in connection with Mahila P.S. Case No.13/2018, whereby cognizance of offences under sections 498(A), 323, 341, 504, 34 of the Indian Penal Code read with section 4 of Dowry Prohibition Act has been taken is hereby quashed.



9. It is made clear that the present quashing application has been allowed only with respect to the petitioners herein.

(Satyavrat Verma, J)

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