

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3987 of 2022

Arising Out of PS. Case No.-864 Year-2018 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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ANKESH KUMAR Son o f Ram Nidhi Ram Resident of 6/241, Nizampur
Malhaur Near Amity Univiersity, P.S.- Chinhaat, Disitric- Licknow (Uttar
Pradesh).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Bhagwan Prasad Son of Late Vishwanath Prasad Resident of Mohalla-
Chaukhandhi, Ward, No., 30, P.S.- Sasaram (T) District- Rohtas.
3. Rani Devi Wife of Ankesh Kumar and Daughter of Sri Bhagwan Prasad
Resident of Mohalla- Chaukhandi, ward On -30, P.S.- Sasaram (T), District-
Rohtas.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Rajani Kant Singh, Advocate
For the Opposite Party/s :	Mr. Nagendra Prasad, A.P.P.
	Mr. Vijay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 15-02-2024 Heard learned counsel for the parties.

2. This application has been filed for quashing the
order dated 07.06.2019 passed by learned Sub-Divisional
Judicial Magistrate, Sasaram, Rohtas in Complaint Case No.
864 of 2018. By the said order, the Sub-Divisional Judicial
Magistrate, Sasaram took cognizance of offence under Section
498(A) of the Indian Penal Code and Section 4 of the Dowry
Prohibition Act against the petitioner.

3. The prosecution case, in short, is that the
complainant married his daughter with the petitioner on
29.04.2018 where he gave Rs. 8 lacs and several articles as gift.



It is alleged that the accused persons including this petitioner demanded four wheeler as dowry. Thereafter, the accused persons tortured and harassed the daughter of the complainant due to non-fulfillment of demand of dowry and ousted her from the matrimonial house on 01.08.2018. On the basis of complaint petition, S.A. of the complainant and deposition of witnesses during enquiry, learned Sub-Divisional Judicial Magistrate, Sasaram took cognizance under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act against the petitioner.

4. Petitioner is husband of the daughter of the complainant.

5. It is submitted on behalf of petitioner that the petitioner has falsely been implicated in this case with only with a view to humiliate and harass the petitioner and his family members. Entire case is false and concocted and no such occurrence, as alleged in the F.I.R., has ever taken place. Allegation of demand of dowry is general and omnibus. As a matter of fact, the victim Rani Devi is a short tempered lady and always used to quarrel with the petitioner and his family members and she herself left the matrimonial house. The continuation of the present prosecution case is nothing but



misuse of process of the court which will result in miscarriage of justice.

6. On the other hand, learned counsel for the complainant opposes the prayer and submission made on behalf of the petitioner and submits that there is specific and direct allegation this petitioner of demand of dowry as a result of which daughter of the complainant was forced to leave the matrimonial house, as such, no interference is required by this Hon'ble court in the present case.

7. Having heard learned counsel for the parties and perused the complaint and materials available on record. From the reading of the complaint it cannot be held that even if the allegations are taken as proved, no case is made out. In the present case, applying the settled principle, it cannot be held that there is no triable case against the petitioner. I do not find illegality or irregularity in the impugned order warranting any interference by this Court.

8. Accordingly, this application is dismissed.

(Prabhat Kumar Singh, J)

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