

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6873 of 2023

Arising Out of PS. Case No.-539 Year-2022 Thana- RIGA District- Sitamarhi

Jyoti @ Noona, Wife of Nath Naynam, Flat No.- 101, Durga Prime Rose Apartment, Gokul Path, Road No.- 10, Patel Nagar, P.S.- Shashtri Nagar, District- Patna - 800023.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Kumari @ Jyotsana @ Jyoti, Daughter of Purshottam Kumar Singh, R/o S/o Sunil Dhanuka Near Railway Gumti, Riga, P.S.- Riga, District- Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mithilesh Kumar Rai, Advocate Ms. Vandana Kishore, Advocate Ms. Kumari Ruchi, Advocate
For the Opposite Party/s :		Mr. Harendra Prasad, APP Mr. Alok Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
CAV JUDGMENT

Date : 04-07-2024

1. Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the opposite party no.2.

2. Initially the instant application under section 482 of the Cr.P.C. was filed on behalf of the petitioners Kartick Choudhary @ Kartick Prasad Choudhary, Seema Rani Choudhary and Jyoti @ Noona, however, the application so far as petitioner nos. 1 and 2 are concerned having permitted to be withdrawn by order dated 26.2.2024, the instant application is confined to the sole petitioner Jyoti @ Noona.



3. The petitioner in the instant application has prayed for quashing the F.I.R. of Riga P.S. Case no. 539 of 2022 registered for the offence punishable under sections 498A and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

4. The prosecution case as per the written statement of the opposite party no.2 addressed to the Officer-In-charge of Riga Police Station is to the effect that she was married to the brother of the petitioner on 6.12.2020 wherein her father had given gifts to the accused persons beyond his capacity. It is stated that soon after her marriage, her mother-in-law made a demand of Rs.10 lacs from the informant's elder sister for purchasing a car. The informant's father had given a sum of Rs. 11 lacs on earlier occasion for purchasing a car. However, at the time of marriage, the informant's husband was not ready to come for the ceremony till the additional sum of Rs.10 lacs for purchasing a car was given. The informant's father fell ill and after great persuasion by him, the marriage took place somehow. The informant further states that her mother-in-law as also her sister-in-law stated that the informant's husband would not accept her till the amount was paid. They saw to it that there was no communication between the informant and her husband.



The informant further states that her husband used to assault her under an intoxicated state. The informant was tortured by the accused persons and finally in the last week of January, 2021, she was forced to leave her *sasural* and go to her parent's place. She was taken back to *sasural* in November, 2021, however there was no difference in the behaviour of the accused persons. She continued to be assaulted by her husband, father-in-law, mother-in-law as also her sister-in-law to the extent that she started contemplating committing suicide. Once again she was sent to her parent's place. Only two days later, her husband reached there and hurled abuses on her. On her father intervening, he was also abused. The informant states that her ornaments, *streedhan* etc. were taken away and she was forced to return to her parent's place. She states that her husband is physically unfit.

5. On the basis of the statement of the opposite party no.2, Riga P.S. Case no.539 of 2022 was registered on 2.12.2022 under sections 498A and 34 of Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

6. Learned counsel for the petitioner submits that the case is absolutely false and fabricated. The sole petitioner herein happens to be the married sister-in-law (husband's sister) of the



opposite party no.2 against whom the allegations levelled by the opposite party no.2 in the F.I.R are vague, general and omnibus. It is submitted that the husband of the opposite party no.2 filed a Matrimonial Case no.250 of 2022 on 25.2.2022 in the Court of learned Principal Judge, Family Court, Patna under section 13 of the Hindu Marriage Act praying for dissolution of the marriage and a decree of divorce. It is in retaliation thereto that the instant F.I.R has been registered with false and concocted allegations levelled against all accused including the petitioner who happens to be the married sister-in-law of the opposite party no.2. It was much subsequent to the divorce petition filed by the husband of the opposite party no.2 that the instant F.I.R was registered on 2.12.2022. It is thus submitted that the F.I.R is a result of malafide and malicious act and continuance of the proceedings against this petitioner would be an abuse of the process of the Court.

7. The application is opposed by learned APP and learned counsel for the opposite party no.2. It is submitted by learned counsel for the opposite party no.2 that not only the petitioner is named in the F.I.R but there is direct and specific allegations levelled against her by the opposite party no.2. *Prima facie* case is made out against the petitioner and no case



has been made out for quashing of the F.I.R.

8. Having heard learned counsel for the parties and having perused the material on record, so far as this application is concerned, the petitioner prays for quashing of the F.I.R being Riga P.S. Case no.539 of 2022 registered under sections 498A and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act. Not only the petitioner is named in the F.I.R but there is direct allegation against her.

9. It may be stated here that the Hon'ble Supreme Court in the case of M/S Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra & Ors. [(2021) 19 SCC 401] has held that the Court cannot thwart the investigation and inquire into the genuineness of the allegations. In its judgment in the case of Superintendent of Police, CBI & Ors. vs. Tapan Kumar Singh [(2003) 6 SCC 175] the Hon'ble Apex Court held that the F.I.R is not an encyclopedia which must disclose all facts and details relating to the offence reported. In the case of State of Kerala & Ors. vs. O.C. Kuttan & Ors. [(1999) 2 SCC 651] it was held that the Court ought not to embark upon an inquiry as to reliability or genuineness or otherwise of the allegations and the power to quash a criminal proceeding is to be exercised very sparingly.

10. Having heard learned counsel for the parties and



taking into consideration the allegations against the petitioner in the F.I.R as also the contents of the F.I.R., in the opinion of the Court, the petitioner has not made out a case for quashing of the F.I.R.

11. The Court finds no merit in the instant application and the same is dismissed.

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	06.05.2024
Uploading Date	04.07.2024
Transmission Date	

