

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8716 of 2023

Arising Out of PS. Case No.-225 Year-2021 Thana- DEHRI TOWN District- Rohtas

1. Amit Kumar Son Of Late Dr. Ashok Kumar Sinha R/O Basgitiya, P.S.- Bikramganj, District- Rohtas , At Present Holding No. G-28, Road No.2, Vijay Nagar Hanuman Nagar, B.H. Colony, P.S.- Kankarbagh, District- Patna
2. Sita Devi Wife Of Late Dr. Ashok Kumar Sinha R/O Basgitiya, P.S.- Bikramganj, District- Rohtas , At Present Holding No. G-28, Road No.2, Vijay Nagar Hanuman Nagar, B.H. Colony, P.S.- Kankarbagh, District- Patna
3. Supriya @ Supriya Rani D/O Late Dr. Ashok Kumar Sinha R/O Basgitiya, P.S.- Bikramganj, District- Rohtas , At Present Holding No. G-28, Road No.2, Vijay Nagar Hanuman Nagar, B.H. Colony, P.S.- Kankarbagh, District- Patna
4. Shikha D/O Late Dr. Ashok Kumar Sinha R/O Basgitiya, P.S.- Bikramganj, District- Rohtas , At Present Holding No. G-28, Road No.2, Vijay Nagar Hanuman Nagar, B.H. Colony, P.S.- Kankarbagh, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vijay Bahadur Singh @ Vijay Singh Son Of Not Given R/O New Diliya Lala Colony, Ward No.21, P.O. And P.S.- Dehri, District- Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Binod Murari Mishra, Advocate
For the Opposite Party/s :	Mr. Binod Kumar, A.P.P.
	Mr. Dharmendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 11-03-2024 This application has been filed for quashing the F.I.R. bearing Dehri Town P. S. Case No. 225 of 2021 lodged on 19.04.2021 for the offences punishable under Sections 406, 420 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

2. The prosecution case, in brief, is that informant



fixed the marriage of his daughter with petitioner No. 1. It is alleged that prior to the marriage, gifts worth Rs. 1,55,000/- and odd were given to the petitioner and further Rs. 10 lacs were deposited in the account of petitioner No. 1. Thereafter, Rs. 20 lacs were demanded from the petitioners' side which resulted in lodging of the instant case.

3. Learned counsel for the petitioners submits that pursuant to the direction of co-ordinate Bench of this Hon'ble Court passed in Cr. Misc. No. 13167 of 2022, the alleged amount of Rs. 10 lacs which is said to have been transferred in the account of petitioner No. 1 by the informant has already been refunded. So far as rest of the allegations are concerned, there is no chit of paper in support of the same.

4. However, learned counsel for the opposite party No. 2 opposes the prayer made on behalf of the petitioners and submits that only cash has been paid and rest of the jewellery and other items have not been returned yet. He next submits that during pendency of the case, charge-sheet has already been filed.

5. Considering the rival submissions made on behalf of the parties and private and trivial nature of dispute and the fact that the amount which was allegedly transferred in the



account of petitioner No. 1 has been refunded to the informant, continuation of the criminal proceeding would amount to abuse of the process of court. At this stage, it is relevant to point out that giving and taking dowry are both an offence.

6. Considering the rival submission of parties and materials available on record, to secure substantial justice, the application is fit to be allowed.

7. Accordingly, for the end of justice, this quashing application is allowed and F.I.R. bearing Dehri Town P. S. Case No. 225 of 2021 lodged on 19.04.2021 as well as subsequent proceeding including the charge-sheet is hereby quashed.

8. This quashing application stands allowed.

(Prabhat Kumar Singh, J)

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