

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14270 of 2023

Arising Out of PS. Case No.-52 Year-2022 Thana- MAHILA P.S. District- Sheikhpura

1. Rajiv Ranjan Kumar S/O Late Shailendra Singh R/O Village- Kasar, P.S.- Ariyari (Kasar O.P.). Distt- West Sheikhpura.
2. Aradhna Kumari W/O Rajiv Ranjan Kumar R/O Village- Kasar, P.S.- Ariyari (Kasar O.P.). Distt- West Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Priya Kumari W/o Ravi Ranjan Kumar, D/o Upendra Prasad R/o Village- Kasar, P.S.- Ariyari (Kasar O.P.). Distt-Sheikhpura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar
For the Opposite Party/s : Mr. Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 16-07-2024 This application has been filed for quashing the order dated 28.01.2023 passed by the learned S.D.J.M, Sheikhpura in Sheikhpura Mahila P.S. Case No. 52 of 2022 by which cognizance has been taken under Section 498A/34 of the Indian Penal Code.

2. As per the prosecution case, the O.P. No. 02 has alleged that the family of her husband including these petitioners have tortured and assaulted her.

3. Learned counsel for the petitioner submits that the petitioner no. 01 is the brother-in-law (*Bhaisur*) and the petitioner no. 02 is the sister-in-law (*Gotani*) of the informant



and there is general and omnibus allegation against the petitioners. He also submits that the matter has been settled and the O.P. No. 02 is staying with her husband.

4. Learned counsel for the O.P. No. 02 submits that he has no instruction as to whether the matter has been settled between the informant and her husband or not. So far as allegations are concerned, he submits that there is specific allegation of assault against these petitioners.

5. I have considered the submissions of the parties.

6. The Hon'ble Supreme Court in the case of ***Preeti Gupta V/s State of Jharkhand; (2010) 7 SCC 667, Achin Gupta V/s State of Haryana; 2024 SCC OnLine SC 759*** and in the case of ***Kahkashan Kausar & Ors V/s State of Bihar & Ors; AIR (2022) SC 820***, the Hon'ble Supreme Court has deprecated the practice of falsely implicating all the family members including the relatives in a dowry case.

7. Considering the law laid down by the Hon'ble Supreme Court, I am of the view that the prosecution of the petitioners who are not directly connected with the informant or her husband is an abuse of the process of the Court and the same should not continue.

8. Accordingly, this application stands allowed and



the order dated 28.01.2023 passed by the learned S.D.J.M,
Sheikhpura in Sheikhpura Mahila P.S. Case No. 52 of 2022 is
hereby quashed.

(Sandeep Kumar, J)

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