

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17690 of 2023

Arising Out of PS. Case No.-384 Year-2017 Thana- GARDANIBAG District- Patna

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1. Shree Rangila Ram Son Of Late Sahdeo Ram Resident Of Village - Dumaigarh, P.S. - Manjhi, Dist. - Saran
 2. Vidyawati Devi Wife Of Shree Rangila Ram Resident Of Village - Dumaigarh, P.S. - Manjhi, Dist. - Saran
 3. Jai Prakash Ram Son Of Shree Rangila Ram Resident Of Village - Dumaigarh, P.S. - Manjhi, Dist. - Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Kumari D/O Shree Lal Bahadur Ram Resident Of - B-131, Police Colony, Anisabad, P.S. - Gardanibagh, Dist. - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ashok Kumar, Advocate
For the Opposite Party/s :	Mr. Shahabuddin Azeem @ S. Azeem, A.P.P.
	Mr. Jagnath Singh, Advocate
	Md. Ghulam Mustafa, Advocate
	Mr. Deepak Kumar, Advocate
	Mr. P. Kashyap, Advocate
	Mr. Bhargava Panday, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 11-03-2024 This application has been filed for quashing of order dated 16.11.2018 passed in Gardanibagh P. S. Case No. 384/2017 by the Additional Chief Judicial Magistrate 14th Patna, whereby and where under a *prima facie* case was made out under section 498(A), 506/34 I.P.C. and Section 3/4 of the Dowry Prohibition Act and summons have been issued against the petitioners.

2. Petitioner No.1 is father-in-law and petitioner No.2 is mother-in-law and petitioner No. 3 is brother-in-law of opposite party no.2.

3. Prosecution case in short is that opposite party no.2 namely Sunita Kumari got married with the accused namely



Ashok Kumar Ram on 24th May, 2014. It is alleged that after marriage, opposite party No. 2 went to her sasural and after four months her husband including these petitioners asked her to bring Rs. 6 lacs as dowry from her father and if the same was not fulfilled, then the marriage of his husband will be solemnized from the other girl after taking Rs. 15 lacs.

4. While denying the allegations, learned counsel for the petitioners submits that even if the entire facts mentioned in the F.I.R. is taken into consideration in its entirety, no *prima facie* case is made out against these petitioners. It is next submitted that the F.I.R. does not disclose any distinct role or contribution of these petitioners in the alleged occurrence. It is further contended that the entire prosecution case is doubtful and only on general and vague allegation, petitioners have falsely been implicated in this case. Therefore, the continuation of proceeding against these petitioners is a clear abuse of process of law and that would result in causing injustice to them. In this connection, learned counsel for the petitioners has placed reliance upon judgment of the Hon'ble Apex court passed in the case of ***Preeti Gupta & Anr. Versus State of Jharkhand & Anr.*** reported in (2010) 7 SCC 667.

5. On the other hand, learned A.P.P. for the State and learned counsel appearing on behalf of the opposite party no. 2



have opposed the arguments advanced on behalf of the petitioners and submits that petitioners are named in the F.I.R. and they were instrumental in torturing the opposite Party No. 2, both mentally and physically. There is sufficient material on record against them and it cannot be said that *prima facie* no case is made out against these petitioners. Hence, no interference is required by this court at this stage.

6. Having heard the submissions advanced by learned counsel appearing on behalf of the parties and on perusing the materials available on record, and the F.I.R., it appears that only omnibus allegations have been made by opposite party no.2.

7. Therefore, upon consideration of the relevant circumstances, and in light of the law laid down by the Hon'ble Apex Court in the cases of ***Preeti Gupta & Anr. versus State of Jharkhand & Anr.*** reported in (2010) 7 SCC 667 and ***Kahkashan Kausar alias Sonam & Ors versus State of Bihar & Ors*** reported in (2022) 6 SCC 599, and in absence of any specific role attributed to the petitioners, it would be unjust if the petitioners are forced to go through the tribulations of a trial.

8. In view of the foregoing discussions, order dated 16.11.2018 passed in Gardanibagh P. S. Case No. 384/2017 by the Additional Chief Judicial Magistrate 14th Patna with respect to these petitioners, is hereby quashed.



9. This application is accordingly allowed.

(Prabhat Kumar Singh, J)

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