

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.21465 of 2023

Arising Out of PS. Case No.-219 Year-2022 Thana- SIWAN COMPLAINT CASE District- Siwan

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1. Chanda Devi D/O Late Ram Awtar Ram Resident Of Village And P.O. Chap, P.S.- Sarai, O.P. District- Siwan.
 2. Shobha Devi D/O Late Ram Awtar Ram Resident Of Village And P.O. Chap, P.S.- Sarai, O.P. District- Siwan.
 3. Chhote Lal Ram S/O Late Shivnath Ram Resident Of Village- Pukhrerh, P.O.- Vijayeeupur, P.S.- Mairwa, District- Siwan

... Petitioners

Versus

1. The State Of Bihar
2. Sangeeta Kumari W/O Sandeep Kumar D/O Virendra Ram Resident Of Village And P.O. Chap Dhala, P.S.- Sarai, O.P.- District- Siwan At Present Resident Of Village- Khairati Daleep P.S.- Darauli, District- Siwan.

... .. Opposite Parties

Appearance :

For the Petitioners : Mr.Ajay Kumar Tiwary, Advocate
For the Opposite Party : Mr.Zainul Abedin, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 01-04-2024 Heard learned counsel for the petitioners and the State. Nobody appears for opposite party no.2 inspite of valid service of notice.

2. This application has been filed for quashing order dated 15.9.2022 passed in Complaint Case No. 219/2022, CIS Reg.No. 219/2022, whereby and whereunder cognizance has been taken for alleged offence under sections 498 (A) of the I.P.C. as well as sections 3 & 4 of the Dowry Prohibition Act.

3. Petitioners are alleged to have subjected the opposite party no.2 to cruelty and harassment for non-fulfilment of dowry demand.

4. While denying the allegations, learned counsel for the petitioners submits that petitioners no. 1 and 2 are



respectively married nanad (sister-in-law) of opposite party no.2, whereas petitioner no.3 is distant relative of husband of opposite party no.2. Allegation of torture and harassment is general and omnibus and no specific overt act has been alleged against these petitioners. It is next submitted that the complaint does not disclose any distinct role or contribution of these petitioners in the alleged occurrence and merely on the basis of general and omnibus allegation, the petitioners have been made an accused in this case and continuation of proceedings against these petitioners would amount to abuse of the process of the court. 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 has opposed the arguments advanced on behalf of the petitioners and submits that petitioners are named in the FIR and they were instrumental in torturing the informant/opposite party no. 2, both mentally and physically. There is sufficient material on record against the petitioners 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 submissions advanced by learned counsel appearing on behalf of the parties and perusing the materials available on record, this Court is of the opinion that merely by making general allegations that the petitioners were involved in physical and mental torture of the informant/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 (supra)** and **Kahkashan Kausar alias Sonam and others versus State of Bihar and Others** reported in (2022) 6 SCC 599, and in absence of any specific role attributed to these 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 of cognizance dated 15.9.2022, passed in Complaint Case No. 219/2022, CIS Reg.No. 219/2022, is hereby quashed with respect to these petitioners.

9. Accordingly, the present quashing application is allowed.

(Prabhat Kumar Singh, J)

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