

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22375 of 2023

Arising Out of PS. Case No.-440 Year-2022 Thana- RAMKRISHNANAGAR District- Patna

1. SURESH SAH @ SURESH PD. VERMA S/O LATE DEV SHARAN SAH R/O MOHALLA- EAST RAM KRISHNA NAGAR, SORANGPUR, P.S.- RAMKRISHNA NAGAR, DISTT.- PATNA
2. Renu Devi W/O Suresh Sah @ Suresh Pd. Verma R/O MOHALLA- EAST RAM KRISHNA NAGAR, SORANGPUR, P.S.- RAMKRISHNA NAGAR, DISTT.- PATNA
3. Jitendra Kumar Verma @ Bittu Verma S/O Suresh Sah @ Suresh Pd. Verma R/O MOHALLA- EAST RAM KRISHNA NAGAR, SORANGPUR, P.S.- RAMKRISHNA NAGAR, DISTT.- PATNA
4. Nisha Bharati W/O Jitendra Kumar Verma @ Bittu Verma R/O MOHALLA- EAST RAM KRISHNA NAGAR, SORANGPUR, P.S.- RAMKRISHNA NAGAR, DISTT.- PATNA

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Khushbu Devi W/O Sagar Verma @ Banti Verma, D/O Ajit sao R/O Ram Vilash Chack, Indra Nagar, Road No. 4(B), P.S- Jakkanpur, Distt.- Patna, 800001

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Rajesh Mohan, Adv.
For the Opposite Party/s :	Mr. Vijay Kumar Sinha, Adv.
	Mr. Satyendra Kumar Bhatnagar, Adv.
	Mr. Santosh Kumar, Adv.
For the Opposite Party/s :	Mr.Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 24-10-2024 Heard learned counsel for the petitioners, learned counsel for the O.P. No. 2 and learned A.P.P. for the State.

2. This application has been filed for quashing of the F.I.R. dated 20.08.2022 against the petitioners in Ramkrishna Nagar, P.S. Case No. 440/2022 registered for the offences



punishable u/ss 341, 323, 498A/34 of the Indian Penal Code and Section 3/4 of the D.P. Act pending in the court of learned Judicial Magistrate, 1st Class, Patna.

3. As per the prosecution case, the petitioners and the co-accused persons are alleged to have tortured the informant mentally and physically due to non-fulfillment of demand of Rs. 5,00,000/- as dowry. The accused persons also threatened the informant that if the said demand was not fulfilled, they would kill her.

4. Learned counsel for the petitioners has submitted that the petitioners are the father-in-law, mother-in-law, brother-in-law (*bhaisur*) and sister-in-law (*gotni*) of the informant who are living separately from the husband of the informant and they have no concern with the family affairs of the informant's husband. It is further submitted that there is no specific overt act is attributed against the petitioners rather the allegation against the petitioners is general and omnibus. The petitioners neither demanded any dowry nor assaulted the informant. Learned counsel for the petitioners has relied on the judgment of **Geeta Mehhrotra and Anr. Vs. The State of U.P. and Anr. (Cr. App. No. 1674 of 2012)** wherein it was observed that "*if the F.I.R. as it stands does not disclose specific allegation against the*



accused specially in a matter arising out of matrimonial bickering, it would be clear abuse of the legal and judicial process to mechanically send named accused in the F.I.R. to undergo trial unless the F.I.R., discloses specific allegations which would persuade court to take cognizance of offence alleged against relatives of main accused who are prima facie not found to have indulged in physical and mental torture of the complainant- wife- courts are expected to adopt a cautious approach in matters of quashing especially in cases of matrimonial dispute whether F.I.R. in fact discloses commission of an offence by relatives of principal accused or F.I.R. prima facie discloses of a case of over-implication by involving entire family of accused at instance of complainant". Learned counsel for the petitioners has further relied on the judgment of **Hon'ble Supreme Court in K. Subba Rao v. The State of Telangana, (2018) 14 SCC 452** wherein it was also observed that "*The Courts should be careful in proceeding against the distant relatives in crimes pertaining to matrimonial disputes and dowry deaths. The relative of the husband should not be roped in on the basis of omnibus allegations unless specific instances of their involvement in the crime are made out*". Learned counsel has further submitted that the informant's husband is



ready to keep the informant with full dignity and honour but the informant is not ready to live with her husband. Learned counsel has further submitted that the petitioners have no concern with the alleged offence.

5. Learned counsel for the opposite party no. 2 and learned A.P.P. for the State have vehemently opposed the quashing application of the petitioners. Learned counsel for the opposite party no. 2 has further submitted that there is specific allegation against the petitioners who are the father-in-law, mother-in-law, brother-in-law (*bhaisur*) and sister-in-law (*gotni*) of the informant and at this stage, the present prosecution may not be quashed.

6. Given the relevant circumstances and the lack of any specific role attributed to the petitioners, it would be unjust to subject them to the ordeal of trial. General and vague allegations should not compel the relatives of the complainant's husband to face trial. It is to be kept in mind that a criminal trial, even if ending in acquittal, leaves a lasting impact on the accused, and thus, such proceedings should be avoided where it is unwarranted.

7. Considering the aforesaid facts and circumstances of the case, the application for quashing the F.I.R. with respect



to these petitioners dated 20.08.2022 is, hereby, quashed.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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