

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30931 of 2023

Arising Out of PS. Case No.-413 Year-2020 Thana- JAGDISHPUR District- Bhagalpur

1. PRASOON KUMAR SINGH S/o- LATE SITARAM SINGH Village- Kotwali Ps- Nawadah (Rajoun) dist- Banka at present- flat no-302, Friends Vatika Apt. HS Verma Lane, Boring Road, Pani Tanki Patliputra Boring road, Patna
2. Ratna Devi @ Ratna Singh wife of Late Sitaram Singh Village- Kotwali Ps- Nawadah (Rajoun) dist- Banka at present- flat no-302, Friends Vatika Apt. HS Verma Lane, Boring Road, Pani Tanki Patliputra Boring road, Patna
3. Bipin Kumar Singh son of Sheshnath Singh Village- Kotwali Ps- Nawadah (Rajoun) dist- Banka at present- flat no-302, Friends Vatika Apt. HS Verma Lane, Boring Road, Pani Tanki Patliputra Boring road, Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priti Kumari wife of Prasoon KUMar Singh, D/o- Jai Prakash Singh Village- Kotwali Ps- Nawadah Rajoun, Dist- Banka at present- Vill- Harba Ps- Jagdishpur Dist- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Ranjeet Patel, Advocate
For the State	:	Mr. Anil Kumar, APP
For Opposite Party No. 2:	:	Mr. Amrendra Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 3 18-03-2024 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the informant/Opposite Party No. 2.
2. At the outset, learned counsel appearing on behalf of the petitioners seeks permission to withdraw the quashing application on behalf of the Petitioner No. 1.
3. Permission is accorded.
4. This quashing application on behalf of Petitioner



No. 1 is dismissed as withdrawn.

5. This application has been filed under Section 482 of the Code of Criminal Procedure, 1973, on behalf of the petitioners for quashing the order dated 24.02.2022 passed by the court of learned Chief Judicial Magistrate, Bhagalpur, in Jagdishpur P.S. Case No. 413 of 2020 (T.R. No. 3801 of 2022). By the said order, the learned court below took cognizance of offences punishable under Sections 341, 342, 323, 498A and 120 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, against three accused persons, including these petitioners.

6. The prosecution story in brief is that the informant/Opposite Party No. 2 got married with Petitioner No. 1. It is alleged that at the time of marriage dowry was also give. Thereafter, it is alleged that all the accused persons, including these petitioners, started torturing and harassing the informant/Opposite Party No. 2 due to non-fulfillment of demand for dowry and also threatened her to give divorce. Lastly, the informant/Opposite Party No. 2 left her matrimonial house on 07.01.2020. It is further alleged that thereafter on 29.11.2020, Petitioner No. 1 came to the house of the informant/Opposite Party No. 2 and took away some cash and



jeweler.

7. Learned counsel appearing on behalf of the petitioners submits that Petitioner No. 2 is mother-in-law and Petitioner No. 3 is uncle-in-law of the informant/Opposite Party No. 2, and they are separate in mess and property. It is next submitted that they have nothing to do with the affairs of the informant/Opposite Party No. 2 and her husband. Whatever happened between them was personal affairs of the husband and wife, with which the petitioners have nothing to do. It is next submitted that the F.I.R. 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.***

8. On the other hand, learned A.P.P. for the State and learned counsel appearing on behalf of the informant/Opposite Party No. 2 have vehemently 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 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.

9. Having heard the submissions advanced by learned counsels 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 also involved in physical and mental torture of the informant/Opposite Party No. 2, without mentioning even a single incident against them, they have been made an accused in this case.

10. 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 the petitioners, it would be unjust if the petitioners are forced to go through the tribulations



of a trial.

11. In view of the foregoing discussions, the order of cognizance dated 24.02.2022 passed by the learned Chief Judicial Magistrate, Bhagalpur, in connection with Jagdishpur P.S. Case No. 413 of 2020 (T.R. No. 3801 of 2022) is hereby quashed with respect to Petitioner Nos. 2 and 3.

12. Accordingly, the present quashing application is disposed of.

(Prabhat Kumar Singh, J)

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