

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50007 of 2018

Arising Out of PS. Case No.-240 Year-2017 Thana- GOPALPUR District- Bhagalpur

1. Swami Sadanand Jha, S/o Sri Umesh Chandra Jha
2. Umesh Chandra Jha, S/o Late Baikunth Jha
3. Rekha Devi, W/o Umesh Chandra Jha
4. Ragini Devi @ Ragini Jha W/o Swami Sadanand Jha All residents of Mohalla - Vijaynagar, P.S. - Banka, Distt. - Banka.
5. Sanjeev Choudhary @ Sanjeev Kumar Choudhary, S/o Late Tej Narayan Choudhary, resident of Village - Jagatpur, P.S. Banka, Distt - Banka.
6. Dilip Ray @ Dilip Kr. Ray, S/o Late Srikant Rai resident of village - Bijaynagar, P.S. - Banka, District Banka.
7. Rita Jha, wife of Umesh Jha, resident of village - Bijaynagar, P.S. - Banka, District Banka.

... .. Petitioner/s

Versus

1. State of Bihar
2. Puja Kumari, W/o Dani Dayanand Jha, D/o Ganesh Chandra Jha R/o Village Gosaigaon, Police Station Gopalpur, District - Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr.Sri Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 01-05-2024 The petitioners are matrimonial relations of Opposite Party No. 2. On the basis of a complaint submitted by the Opposite Party No. 2, Gopalpur P.S. Case No. 240 of 2017 dated 11th of October, 2017 was registered against the petitioners and the husband of the Opposite Party No. 2 under Section 498A/34 of the IPC and read with Section 3/4 of the Dowry Prohibition Act.



2. By filing the instant revision under Section 482 of the Cr.P.C., it is submitted on behalf of the petitioners that the petitioners are matrimonial relations of the Opposite Party No. 2. Petitioner No. 1 is the elder brother of the husband of Opposite Party No. 2. Petitioner Nos. 2 and 3 are parents-in-law. Petitioner No. 4 is a distant relation. Petitioner Nos. 5, 6 and 7 are maternal uncle, parental aunt and maternal aunt, respectively, of the husband of Opposite Party No. 2. They have been implicated in the afore-mentioned case on the basis of the complaint submitted by the Opposite Party No. 2 at the jurisdictional police station. It is alleged that after her marriage, all the petitioners, including her husband, started demanding one car, freeze, LED TV, etc. When Opposite Party No. 2 expressed her inability to ask her father to satisfy the demands of the petitioners, She was assaulted physically and subsequently, she was driven away from her matrimonial home on 9th of October, 2017 at about 5:00 P.M.

3. I have carefully perused the FIR, it is ascertained from the FIR that the Opposite Party No. 2, did not even know the names of the maternal uncle and maternal aunt of her husband. They reside at their respective houses, away from the matrimonial home of Opposite Party No. 2. I also find that the



allegations against the above-named matrimonial relations are omnibus and vague.

4. Therefore, on perusal of the materials on record, I find that even if the statement made in the FIR is accepted on its face value. The same does not make out a case against Petitioner Nos. 4, 5, 6 and 7. Therefore, the criminal proceeding being Gopalpur P.S. Case No. 240 of 2017 dated 11th of October, 2017 is quashed and set aside as against the Petitioner Nos. 4, 5, 6 and 7.

5. However, this Court finds *prima facie* material against Petitioner Nos. 1, 2 and 3. The instant revision is, therefore, dismissed as against Petitioner Nos. 1, 2 and 3. They are directed to face trial in the case pending in the Trial Court.

6. With the above order, the instant revision is disposed of.

(Bibek Chaudhuri, J)

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