

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33510 of 2023

Arising Out of PS. Case No.-66 Year-2022 Thana- MAHILA P.S. District- Patna

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1. ANIMESH ANAL @ ANIMESH KUMAR Son of Sheo Nandan Mandal Resident of mohalla - House 138, Indra Nagar, P.S. - Patliputra, Distt. - Patna
 2. Avinash Anal @ Avinash Kumar Son of Sheo Nandan Mandal Resident of mohalla - House 138, Indra Nagar, P.S. - Patliputra, Distt. - Patna
 3. Vishal Barun @ Vishal Kumar Son of Sheo Nandan Mandal Resident of mohalla - House 138, Indra Nagar, P.S. - Patliputra, Distt. - Patna

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Ragini Raj Wife of Amitesh Kumar, D/o Vimal Kumar Resident of village - Manikchand Talab, P.S. - Gardanibag, Distt. - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha
For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 26-11-2024 Heard learned counsel for the petitioners learned A.P.P. for the State.

2. This application has been filed for quashing of the F.I.R. dated 25.05.2022 against the petitioners in Patna Mahila P.S. Case No. 66/2022 registered for the offences punishable u/ss 498A/34 of the Indian Penal Code and Section 3/4 of the D.P. Act.

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. 10,00,000/- 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 all the petitioners are the brother-in-law (*bhaisur*) 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 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 A.P.P. for the State has vehemently opposed the quashing application of the petitioners by



submitting that there is specific allegation against the petitioners who are non other than brother-in-law (*bhaisur*) and cousin brother-in-law 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 informant'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 25.05.2022 is, hereby, quashed.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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