

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32166 of 2023**

Arising Out of PS. Case No.-489 Year-2022 Thana- AGAMKUAN District- Patna

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GUNJAN SINGH W/O SHAMBHU SHARAN R/O Kaushlya Niketan Kumharar Bhagwat Nagar, Police Station- Agamkuan, Distt.- Patna, Permanent Address Village- Chandpura, P.S- Vidupur, Distt.- Vaishali. At present residing at Flat No. 604, Crema Mahagun Mosaic PH-1, Sector-4, Noida, P.S- Ramprastha, Vaishali (Uttar Pradesh).

... .. Petitioner

Versus

1. The State of Bihar
2. Rani Kumari W/O Abhinav Shankar, D/O Ram Janam Singh R/O Village- Simariya, P.S- Pakri Barawan (Warsaliganj), P.O- Simariya, Distt.- Nalanda.

... .. Opposite Party/s

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**Appearance :**

|                            |   |                                           |
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| For the Petitioner/s       | : | Mr Mrigendra Kumar, Advocate              |
|                            |   | Mr. Ashok Kr.Mishra, Advocate             |
| For the Opposite Party/s : |   | Mr.Md. Fahimuddin, Addl Public Prosecutor |

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

6      15-04-2024                      Heard learned counsel for the petitioner 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 2.3.2023 passed in Agamkuan Police Station Case No. 489 of 2022, whereby and whereunder cognizance has been taken against the petitioners and other accused persons for offence punishable under sections 498 (A), 323, 506, 379/34 of the I.P.C. as well as sections 3 & 4 of the Dowry Prohibition Act.



3. Prosecution story in short is that marriage of informant, (opposite party no.2) was solemnized on 12.03.2015 as per Hindu Custom with co-accused Abhinav Shankar. Further, informant alleged that her Saas, Sasur, Nanad and husband demanded Rs.05 Lacs as dowry and when informant denied then all accused persons assaulted her and also threatened to kill. Informant alleged that on 08.07.2022 her in laws took her from their native village to Kaushalya Niketan, Patna at about 01 PM and they assaulted her and outset from her matrimonial house and also snatched her mobile phone. Her in-laws did not give food, cloth, medicine and other things. Police after investigation submitted Charge Sheet against petitioner and co-accused Abhinav Shankar vide Charge Sheet no.829 of 2022 dated 13.10.2022 for the offence under sections 498 (A), 323, 506, 379/34 of the Indian Penal Code, read with section 3/4 of the Dowry Prohibition Act.

4. It is submitted on behalf of the petitioner that the petitioner has been named in this case because she is married sister-in-law (nanad) of the opposite party no.2. Marriage of petitioner was solemnized on 24.02.1999 with Shambhu Sharan who is Software Engineer working at Delhi. After marriage, she regularly lives at Delhi. It is relevant to state here that petitioner



along with her husband on 12.03.2018 came from Delhi only to attain her brother's marriage. After marriage of her brother, she never returned to her paternal house at Patna. He submits that whole prosecution story mentioned in FIR is totally false, fabricated and concocted. Moreover, petitioner resides at different place and she is separate in mess and business and has no concern with the affairs of the opposite party no.2 and her husband. Allegation of torture and harassment is general and omnibus and no specific overt act has been alleged against this petitioner and as such continuation of proceedings against the petitioner would amount to abuse of the process of the court in absence of clear allegations against relative of husband. It is next submitted that the FIR does not disclose any distinct role or contribution of the petitioner 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 the petitioner would amount to abuse of the process of the court. In this connection, learned counsel for the petitioner 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 petitioner and submits that petitioner is named in the FIR and she was instrumental in torturing the informant/opposite party no. 2, both mentally and physically. From perusal of the FIR, it reflects that there is sufficient material on record against the petitioner and it cannot be said that prima facie no case is made out against the petitioner. 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 petitioner was involved in physical and mental torture of the informant/opposite party no.2, continuation of proceedings against the petitioner would amount to abuse of the process of the court. 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 petitioner, it would



be unjust if the petitioner is forced to go through the tribulations of a trial.

7. In view of the foregoing discussions, order dated 2.3.2023 passed in Agamkuan Police Station Case No. 489 of 2022, is hereby quashed with respect to the petitioner.

8. Accordingly, the present quashing application is allowed.

**(Prabhat Kumar Singh, J)**

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