

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35185 of 2022

Arising Out of PS. Case No.-26 Year-2021 Thana- MAHILA PS District- Jehanabad

1. SUDHIR PRASAD @ SUDHIR PRASAD SINGH @ SUDHIR SING Son of Late Aditya Narayan Singh Resident of Sadai Bigha, P.S.- Barahiya, District - Lakhisarai
2. Nilam Devi Wife of Sudhir Prasad @ Sudhir Prasad Singh @ Sudhir Sing Resident of Sadai Bigha, P.S.- Barahiya, District - Lakhisarai
3. Punam Devi @ Banita Kumari Wife of Shashi Ranjan @ Shashi Kapoor Ranjan Resident of Sadai Bigha, P.S.- Barahiya, District - Lakhisarai
4. Vineet @ Vineet Kumar Son of Gopi Singh Resident of Sadai Bigha, P.S.- Barahiya, District - Lakhisarai
5. Soni Kumari Wife of Vineet @ Vineet Kumar Resident of Sadai Bigha, P.S.- Barahiya, District - Lakhisarai
6. Shashi Ranjan @ Shashi Kapoor Ranjan Son of Sudhir Prasad @ Sudhir Prasad Singh @ Sudhir Sing Resident of Sadai Bigha, P.S.- Barahiya, District - Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sawita Singh Daughter of Daya Nand Singh Resident of Indraprastha Colony, Mahavir Marg, Jora Talab, P.S.- Bariyatu, District - Ranchi (Jharkhand)

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Sushil Kumar Jha, Advocate
For the State	:	Mr. Kanhaiya Kishore, APP
For Opposite Party No.2	:	Mr. Pranav Kumar Jha, Advocate
		Mr. Subodh Kr. Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 3 28-02-2024 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for Opposite Party No. 2.

2. 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 21.04.2022 passed by the learned S.D.J.M., Jehanabad, in Jehanabad (Mahila) P.S. No. 26 of 2021. By the said order, the learned S.D.J.M. took cognizance of offences punishable under Sections 341, 323, 498A, 504 and 34 of the Indian Penal Code against all the seven accused persons, including these petitioners.

3. The prosecution story in brief is that the informant/Opposite Party No. 2 got married with co-accused Abhay Kumar as per Hindu rites and rituals on 19.05.2013 after giving cash and other house hold articles amounting to Rs. 15,00,000/- and a car. It is further alleged that thereafter, the informant/Opposite Party No. 2 was subjected to torture and harassment due to non-fulfillment of demand for dowry of Rs. 12,00,000/-.

4. Learned counsel appearing on behalf of the petitioners submits that Petitioner No. 1 is father-in-law, Petitioner No. 2 is mother-in-law, Petitioner Nos. 3 and 5 are sister-in-laws and Petitioner Nos. 4 and 6 are brother-in-laws of the informant/Opposite Party No. 2, and they are separate in mess and property. It is submitted that there is general and omnibus allegations of torture and harassment leveled against these petitioners. 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 petitioners have been roped in this case merely because they happen to be relatives of the husband of the informant/Opposite Party No. 2, in order to harass and humiliate them. It is next submitted that the contents of F.I.R. do not disclose any direct involvement of these petitioners in the alleged offence and as such, continuation of this proceeding 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*.

5. On the other hand, learned A.P.P. for the State and learned counsel appearing on behalf of the informant/Opposite Party No. 2 vehemently opposes the arguments advanced on behalf of the petitioners and submits that petitioners are named in the F.I.R. and there are sufficient materials available on record against these petitioners to take cognizance against them. It is next submitted that they were instrumental in torturing the



informant/Opposite Party No. 2, both mentally and physically.

Hence, no interference is required by this court at this stage.

6. 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 as to how they could be motivated to demand dowry. In the entire complaint, neither any date nor time or place of regarding the incident happened with her has been mentioned by the informant and when she was subjected to cruelty and harassment with regard to demand for dowry.

7. 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.

8. In view of the foregoing discussions, the order of



cognizance dated 21.04.2022 passed by the learned S.D.J.M.,
Jehanabad, in connection with Jehanabad (Mahila) P.S. Case
No. 26 of 2021, is hereby quashed with respect to these
petitioners.

9. Accordingly, the present quashing application is
allowed.

(Prabhat Kumar Singh, J)

shashank/-

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