

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42621 of 2023

Arising Out of PS. Case No.-66 Year-2020 Thana- RAMNAGAR District- West Champaran

1. MEHRUN KHATOON @ MEHRUN NESHA WIFE OF IMAMUDDIN ANSARI RESIDENT OF HAZI TOLA, WARD NO. 06, PS- RAMNAGAR, DISTRICT- WEST CHAMPARAN
2. IMAMUDDIN ANSARI SON OF LATE AZIZ MIYAN RESIDENT OF HAZI TOLA, WARD NO. 06, PS- RAMNAGAR, DISTRICT- WEST CHAMPARAN
3. NAJIMA KHATOON @ NAJIYA KHATOON @ NAZIYA PRAWEEEN DAUGHTER OF IMAMUDDIN ANSARI RESIDENT OF HAZI TOLA, WARD NO. 06, PS- RAMNAGAR, DISTRICT- WEST CHAMPARAN
4. SHAMSAD ANSARI SON OF IMAMUDDIN ANSARI RESIDENT OF HAZI TOLA, WARD NO. 06, PS- RAMNAGAR, DISTRICT- WEST CHAMPARAN
5. IRSHAD ANSARI SON OF IMAMUDDIN ANSARI RESIDENT OF HAZI TOLA, WARD NO. 06, PS- RAMNAGAR, DISTRICT- WEST CHAMPARAN
6. SONI KHATOON DAUGHTER OF IMAMUDDIN ANSARI RESIDENT OF SABUNI, WARD NO. 12, PS- RAMNAGAR, DISTRICT- WEST CHAMPARAN
7. SOAIB ANSARI @ SOABHAV ANSARI @ SHOYAD ANSARI SON OF MOZIBULLAH ANSARI RESIDENT OF SABUNI, WARD NO. 12, PS- RAMNAGAR, DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. NOORJAHAN KHATOON WIFE OF NAUSHAD ANSARI @ NAUSHAD AHMAD R/O HAZI TOLA, PS- RAMNAGAR, DISTRICT- WEST CHAMPARAN AT PRESENT R/O CHAURASIYA TOLA, PS- RAMNAGAR, DISTRICT- WEST CHAMPARAN

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amit Pandey, Advocate Mr. Manaur Alam, Advocate Mr. Prashant Kumar, Advocate
For the Stare	:	Mr. Pramod Kumar, APP
For the Informant/O.P.No.2:	:	Mr. Pratik Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 15-04-2024 Heard learned counsel for the petitioners, learned



A.P.P. for the State and learned counsel for the informant/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 of framing of charge dated 10.02.2023 passed by the learned S.D.J.M., Bagaha, West Champaran, in Ramnagar P.S. Case No. 66 of 2020 corresponding to Trial No.1657 of 2022 whereby and whereunder the learned Court below has been pleased to take cognizance against these petitioners under Sections 341, 323, 498(A), 504, 379, 34 of I.P.C. and $\frac{3}{4}$ of Dowry Prohibition Act against seven accused persons, including these petitioners.

3. The prosecution story in brief is that on 08.03.2020 at about 6 P.M. while informant was in the house, the family members including these petitioners named in the F.I.R. reached there and started demanding four wheeler vehicle from her father then only she can live with them in their house. When the informant said that her father is a poor person and he cannot give a four wheeler vehicle, then all the accused persons started to beat her with first and slaps. It is further alleged that they also snatched her nose-pin worth Rs.4,000/- and Mangalsutra worth Rs.10,000/- and took away her child.



4. Learned counsel appearing on behalf of the petitioners submits that these petitioners have been made accused in this case merely because they happen to be relative of the husband of Opposite Party No.2. Petitioner No.1 is mother-in-law, petitioner No.2 is father-in-law, petitioner No.3 is married Nanad and student of the honours and petitioner No.4 is Devar, petitioner No.5 is also Devar and petitioner No.6 is married Nanad 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. Hence, 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.**



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 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.

6. 6. Perused the pleadings of the parties, the complaint and order of learned Magistrate. Having taken into consideration all the materials available on record, I am satisfied that the criminal proceeding imitated by opposite party No.2 against these petitioners are wholly unwarranted. The complaint is on abuse of the process of Court. On perusal of compliant, it appears that only omnibus allegation have been made by complainant, neither date, nor time or place has been mentioned by her as and when she was subjected to cruelty and torture in regard to demand of 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 framing of Charge dated 10.02.2023 passed by the learned S.D.J.M., Bagaha, West Champaran, in connection with Ramnagar P.S. Case No. 66 of 2020 corresponding to Trial No.1657 of 2022, with respect to these petitioners is hereby quashed.

9. Accordingly, the present quashing application is allowed.

(Prabhat Kumar Singh, J)

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