

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41082 of 2022

Arising Out of PS. Case No.-583 Year-2021 Thana- JAKKANPUR District- Patna

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1. Umesh Prasad Gupta S/O Late Chandrika Prasad Resident Of Chitragupt Path, New Jakkanpur, Patna, P.S.- Jakkanpur, District- Patna
 2. Anita Gupta W/O Umesh Prasad Gupta Resident Of Chitragupt Path, New Jakkanpur, Patna, P.S.- Jakkanpur, District- Patna
 3. Pankaj Kumar S/O Umesh Prasad Gupta Resident Of Chitragupt Path, New Jakkanpur, Patna, P.S.- Jakkanpur, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Konika Anand D/o Late Anand Prakash Gupta, W/o Pankaj Kumar R/o village- Dhobi Tola, Machhua Toil, Danapur Cant, P.S.- Danapur, District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramchandra Singh, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
CAV JUDGMENT

Date : 09-07-2024

1. Heard learned counsel for the petitioners and learned APP for the State. No one appeared on behalf of opposite party no. 2.

2. The petitioners have filed the instant application praying for quashing the F.I.R in connection with Jakkanpur P.S. Case no. 583 of 2021 registered under sections 498A, 506 and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

3. As per the prosecution case the opposite party



no. 2-informant states that she was married as per the hindu rites and customs to the petitioner no. 3 on 10.3.2016. At the time of marriage various articles of furniture, ornaments, electronics etc. were given. It is further stated that soon after marriage the petitioners herein started to physical and mentally torture the opposite party no. 2 to the extent of even stopping her food intake at the time that she was pregnant. She states that at the time of her second pregnancy, soon after her ultrasound test, they started to misbehave with her and for sake of her own and her girl child's security, the opposite party no. 2 came to her parents place. After the birth of the girl child, it is stated that her father-in-law and husband came to her parents place where in the lap of her father-in-law, her girl child breathed her last. They have also taken forcible possession of the flat of the opposite party no. 2 and have physically and mentally tortured her, calling her a witch as her child died. The opposite party no. 2 states that she is unable to reside with her husband for the fear of her own safety as also her other child's life.

4. On the statement of the opposite party no. 2 the F.I.R being Jakkanpur P.S. Case no. 583 of 2021 was registered under sections 498A, 506 and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.



5. Learned counsel for the petitioners submits that the informant is a smart lady. She being a government employee while her husband works as a private employee, she started to torture her husband and her in-laws soon after her marriage wanting her husband to live with her alone separate from his family. The husband of the opposite party no. 2 i.e. petitioner no. 3 herein purchased a 3BHK flat in the name of the opposite party no. 2. He also bore all her expense. With respect to the F.I.R it is submitted that there is no specific allegation against the petitioners with respect to torture and demand of dowry. No such occurrence as alleged in the F.I.R has taken place. As a result of suffering from depression, the opposite party no. 2 has always been wanting to live with her mother. In view of the false allegations levelled by the opposite party no. 2, it is submitted that the entire criminal proceeding including the F.I.R are fit to be quashed.

6. The petitioners are the father-in-law, the mother-in-law and the husband of the opposite party no. 2. The petitioner no. 1 is a retired person facing harassment at hands of the opposite party no. 2 for no fault of his.

7. The application is opposed by learned APP for the State.



8. Having heard learned counsel for the parties and having perused the material on record including the contents of the F.I.R, this Court finds that *prima facie* offence is made out against the petitioners who happen to be the father-in-law, the mother-in-law and the husband of the opposite party no. 2.

9. It may be stated here that the Hon'ble Supreme Court in the case of *M/S Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra & Ors. [(2021) 19 SCC 401]* has held that the Court cannot thwart the investigation and inquire into the genuineness of the allegations. In its judgment in the case of *Superintendent of Police, CBI & Ors. vs. Tapan Kumar Singh [(2003) 6 SCC 175]* the Hon'ble Apex Court held that the F.I.R is not an encyclopedia which must disclose all facts and details relating to the offence reported. In the case of State of *Kerala & Ors. vs. O.C. Kuttan & Ors. [(1999) 2 SCC 651]* it was held that the Court ought not to embark upon an inquiry as to reliability or genuineness or otherwise of the allegations and the power to quash a criminal proceeding is to be exercised very sparingly.

10. In view of the facts and circumstances of the case and on perusal of the contents of the F.I.R, it cannot be said that no offence is made out against the petitioners. So far as the defense raised by the petitioners are concerned, the same may



be raised at an appropriate stage which will be looked into by the learned trial Court in accordance with law. In the opinion of the Court, the petitioners have not made out any case for quashing of the F.I.R. The Court finds no merit in the instant application.

11. The application is dismissed.

(Partha Sarthy, J)

Harsh/-

AFR/NAFR	NAFR
CAV DATE	9.5.2024
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