

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41416 of 2023

Arising Out of PS. Case No.-34 Year-2022 Thana- MAHILA PS District- Aurangabad

1. BRIJ KISHOR SINGH SON OF LATE JAGDISH SINGH RESIDENT OF VILLAGE/MOHALLA- KUNTI BHAWAN DANIGHIGHA PS-AURANGABAD, TOWN, DISTRICT- AURNAGABAD (BIHAR)
2. KUNTI DEVI WIFE OF BRIJ KISHOR SINGH RESIDENT OF VILLAGE/MOHALLA- KUNTI BHAWAN DANIGHIGHA PS-AURANGABAD, TOWN, DISTRICT- AURNAGABAD (BIHAR)
3. SONI KUMARI DAUGHTER OF BRIJ KISHOR SINGH RESIDENT OF VILLAGE/MOHALLA- KUNTI BHAWAN DANIGHIGHA PS-AURANGABAD, TOWN, DISTRICT- AURNAGABAD (BIHAR)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. PRIYANKA KUMARI DAUGHTER OF JAI PRAKASH SINGH RESIDENT OF VILLAGE/MOHALLA- GAYATRI NAGAR NEAR MISSION SCHOOL WARD NO. 4, PS- AURANGABAD TOWN, DISTRICT- AURANGABAD (BIHAR)

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Shailesh Kumar Singh,Adv.
For the Opposite Party/s :	Mr.Nagendra Prasad,APP
	Mr.Krishna Prasad Singh, Sr.Adv.
	Mr.Bhaskar Shankar,Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 22-04-2024 Heard learned counsel for the petitioners, learned A.P.P. for the State and learned senior counsel appearing on behalf of 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 of F.I.R., bearing Aurangabad Mahila P.S. Case No. 34 of 2022 registered for the offences punishable



under Sections 341, 323, 504, 506, 498A/34 of the Indian Penal Code and Section 3 / 4 of the Dowry Prohibition Act.

3. The prosecution case, in brief, is that marriage of informant/opposite party no. 2 was solemnized with co-accused Ravishankar Prasad on 06.05.2017 as per Hindu rites. At the time of marriage, father of informant, besides gifted clothes, ornaments etc., had spent Rs. 20 lacs in marriage as per wishes of groom side. Thereafter, it is alleged that all the petitioners including co-accused Ravishankar Prasad, started torturing and harassing the informant/Opposite Party No. 2 due to non-fulfillment of additional demand of Rs. 10 lacs, as dowry. It is further alleged that from the wedlock, the informant gave birth to a male child and after birth of the child, her husband started harassing informant because he had illicit relation with another lady. Husband of the informant is an addict of alcohol & drugs and in drunken state, he burnt the private parts of the informant from cigarette. Thereafter, on the information of informant, her brother and father came at Chandigarh and tried to convince her husband, he became annoyed and insulted them whereupon, informant returned with her family members at Aurangabad and thereafter, went to her in-laws house, where she was subjected to torture by her in-laws for dowry and lastly, on 05.08.2022, the



in-laws members, after assaulting her and taking her ornaments, ousted the informant from her matrimonial house.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case merely because they happen to be relatives of husband of informant. Petitioner no. 1 is father-in-law, petitioner no. 2 is mother-in-law and petitioner no. 3 is unmarried sister-in-law of the informant/opposite party no. 2. Petitioners are separate in mess and property and have got not concern with the affairs of the couple. He next submits that whenever there is dispute between husband and wife, entire family members are implicated in false and concocted case. Allegation of demand of dowry and torture is general and omnibus. No specific date, time and place has been mentioned as to when victim was subjected to torture and harassment by these petitioners. Contents of F.I.R. do not disclose any direct role to these petitioners and as such, continuation of proceedings against these petitioners would amount to an 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*. On aforesaid grounds, learned



counsel for the petitioners prays for quashing of F.I.R.

5. On the other hand, Sri Krishna Prasad Singh, learned senior counsel appearing on behalf of 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 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. Having heard the submissions advanced by learned counsels appearing on behalf of the parties and perused the materials available on record, and on perusal of the F.I.R., it appears that only omnibus allegations have been made by the informant. Neither date nor time or place has been mentioned by the informant as to when and where she was subjected to cruelty and harassment in regard to demand of dowry by these petitioners.

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 face trial.

8. In view of the aforesaid discussions, the F.I.R. i.e. Aurangabad Mahila P.S. Case No. 34 of 2022, with respect to these petitioners, is hereby quashed and thus, this petition is allowed.

(Prabhat Kumar Singh, J)

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