

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44545 of 2023

Arising Out of PS. Case No.-112 Year-2022 Thana- MAHILA P.S. District- Patna

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1. BIRENDRA KUMAR SINHA Son of Late Jamuna Prasad R/o Mohalla - East Ashok Nagar, Road No.- 14/B, Samrat Colony, Gali No.- 3, P.S.- Kankarbagh, District - Patna.
 2. Smt. Ranjana Sinha Wife of Birendra Kumar Sinha R/o Mohalla - East Ashok Nagar, Road No.- 14/B, Samrat Colony, Gali No.- 3, P.S.- Kankarbagh, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sweta Kumari Wife of Ritesh Kumar Sinha R/o Mohalla - Treasury Office, Masaurhi, At present resident of Sipara, P.S.- Beur, District - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajeev Kumar Singh, Adv.
For the O.P. No. 2	:	Mr. Ankur Govin, Adv
		Mr. Amit Anand, Adv.
		Ms. Madhubala Kumari, Adv.
		Mr. Deeksha Singh, Adv.
		Mr. Shivam, Adv.
For the State	:	Mrs.Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 19-12-2024 Heard learned counsel for the petitioners, learned counsel for the O.P. No. 2 and learned A.P.P. for the State.

2. This application has been filed for quashing of the F.I.R. dated 11.09.2022 bearing Mahila P.S. Case No. 112/2022 registered for the offences punishable u/ss 498A/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

2. Further for quashing the entire proceedings of the



Complaint Case No. 15585(C)/2022, dated 23.12.2022, u/ss 323/504/506/498A/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act filed by the Complainant Sweta Kumari against the petitioners and his family.

3. As per the prosecution case, the petitioners and the co-accused persons are alleged to have tortured the Complainant mentally and physically due to non-fulfillment of demand of motorcycle and cash as dowry and ousted her from the matrimonial home.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioners are the father-in-law and mother-in-law of the informant and they have no concern with the alleged offence. It is further submitted that there is no specific overt act is attributed against the petitioners rather the allegation against the petitioners is general and omnibus. The petitioners neither demanded any dowry nor assaulted the informant. Learned counsel has further submitted that after marriage, the petitioner's son and the Complainant were living in Delhi and they were enjoying their life with each other in peaceful manner and they have been blessed with two children. Both the petitioners are very old and they are living lonely in



Patna without care and support of their son and the Complainant. It is further submitted that the present F.I.R. and the Complaint Case have been instituted against the present petitioner only to drag the name of the petitioners and his family members to ruin the reputation which the petitioner's family have gained by their good work and behaviour in the society. Learned counsel for the petitioners has relied on the judgment of **Geeta Mehrotra and Anr. Vs. The State of U.P. and Anr. (Cr. App. No. 1674 of 2012)** wherein it was observed that *“if the F.I.R. as it stands does not disclose specific allegation against the accused specially in a matter arising out of matrimonial bickering, it would be clear abuse of the legal and judicial process to mechanically send named accused in the F.I.R. to undergo trial unless the F.I.R., discloses specific allegations which would persuade court to take cognizance of offence alleged against relatives of main accused who are prima facie not found to have indulged in physical and mental torture of the complainant- wife- courts are expected to adopt a cautious approach in matters of quashing especially in cases of matrimonial dispute whether F.I.R. in fact discloses commission of an offence by relatives of principal accused or F.I.R. prima facie discloses of a case of over-implication by involving entire*



family of accused at instance of complainant". Learned counsel for the petitioners has further relied on the judgment of **Hon'ble Supreme Court in K. Subba Rao v. The State of Telangana, (2018) 14 SCC 452** wherein it was also observed that "*The Courts should be careful in proceeding against the distant relatives in crimes pertaining to matrimonial disputes and dowry deaths. The relative of the husband should not be roped in on the basis of omnibus allegations unless specific instances of their involvement in the crime are made out*". Learned counsel has further submitted that the petitioners have clean antecedent which is clearly mentioned in para no. 32 of the case diary. The reference has also been made to a Supreme Court's decision in the case of ***Kahkashan Kausar @ Sonam & Ors. vs. State of Bihar & Ors. reported in (2022) 6 SCC 599.***

5. Learned counsel for the opposite party no. 2 and learned A.P.P. for the State have vehemently opposed the quashing application of the petitioners. Learned counsel has further submitted that the petitioners and the co-accused persons tortured and did cruelty with the Complainant and her children and had cruel behaviour from the beginning and never wanted to keep the Complainant and their children at her matrimonial home. Learned counsel for the opposite party no. 2 has further



submitted that there is specific allegation against the petitioners who are the father-in-law and mother-in-law of the informant and at this stage, the present prosecution may not be quashed.

6. Given the relevant circumstances and the lack of any specific role attributed to the petitioners, it would be unjust to subject them to the ordeal of trial. General and vague allegations should not compel the relatives of the complainant's husband to face trial. It is to be kept in mind that a criminal trial, even if ending in acquittal, leaves a lasting impact on the accused, and thus, such proceedings should be avoided where it is unwarranted.

7. Considering the aforesaid facts and circumstances of the case, the application for quashing the F.I.R. dated 11.09.2022 and the entire proceeding with respect to these petitioners is, hereby, quashed.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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