

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49307 of 2023

Arising Out of PS. Case No.-22 Year-2023 Thana- MAHILA PS District- Aurangabad

1. Madhusudan Singh Son Of Ramanuj Singh Resident Of Village Aditya Niwas, Nand Nagar Harmu, Ps- Doranda, Distt- Ranchi, Jharkhand
2. Bimla Devi Wife Of Madhusudan Singh Resident Of Village Aditya Niwas, Nand Nagar Harmu, Ps- Doranda, Distt- Ranchi, Jharkhand
3. Rakhi Kumari @ Rakhi Singh Daughter Of Madhusudan Singh Resident Of Village Aditya Niwas, Nand Nagar Harmu, Ps- Doranda, Distt- Ranchi, Jharkhand
4. Shailza Singh Daughter Of Madhusudan Singh Resident Of Village Aditya Niwas, Nand Nagar Harmu, Ps- Doranda, Distt- Ranchi, Jharkhand

... .. Petitioner/s

Versus

1. The State of Bihar
2. Julie Kumari Wife Of Vikash Ranjan Resident Of Village Siyadih, Ps- Konch, Distt- Gaya At Present C/O- Umashankar Singh, Resident Of Thana Road, Madanpur, Ps- Madanpur, Distt- Aurangabad Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Mishra, Advocate
For the Opposite Party/s : Mr. Kanhaiya Kishor, A.P.P.
Mr. Aman Vishal, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-04-2024 Heard the parties.

2. This application has been filed for quashing of the F.I.R. bearing Aurangabad Mahila, P. S. Case No. 22 of 2023 dated 07.06.2023 lodged under Sections 341, 323, 504, 506, 498(A)/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act against the petitioners and other accused persons.

3. Prosecution case, in short, is that opposite party no.



2 was married with co-accused Vikash Ranjan on 28.11.2019 in which her father gave Rs. 20 lacs and household articles besides the jewellery to her husband and this petitioner as gift. It is alleged that after the marriage the opposite party No. 2 went to the native village of her husband and after one week when her husband brought her to his house at Ranchi, there all the accused persons including these petitioners misbehaved with her and demanded Scorpio vehicle as dowry and also threatened with dire consequences if she failed to fulfill the demand of dowry. It is further alleged that on 14.01.2020 the opposite party No. 2 left her matrimonial house with her brother and started living at her native place but on 27.04.2023 all the accused persons came at her native place and demanded the said vehicle and assaulted her.

4. Learned counsel for the petitioners submits that petitioners are father-in-law, mother-in-law and unmarried sisters-in-law of the O.P. No. 2. It is next submitted that whenever any dispute arises in between the husband and the wife, the entire family members are implicated in a mechanical manner and general and omnibus allegations with a view to coerce the husband into submission. He further submits that F.I.R. does not disclose any distinct role or contribution of these



petitioners in the alleged occurrence. Petitioners are separate in mess and property and 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 opposite party no. 2 have 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 opposite party No. 2, both mentally and physically. There is sufficient material on record against them 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 counsel appearing on behalf of the parties and on perusing the materials available on record, and the F.I.R., it appears that only omnibus allegations have been made by O.P. No.2. Neither date nor time or place regarding the incident happened with the O.P. No. 2 has been mentioned by her that as and when she was



subjected to cruelty and harassment by these petitioners 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 & Anr. versus State of Jharkhand & Anr.* reported in (2010) 7 SCC 667 and *Kahkashan Kausar alias Sonam & Ors versus State of Bihar & Ors* 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, F.I.R. bearing Aurangabad Mahila, P. S. Case No. 22 of 2023 dated 07.06.2023 lodged under Sections 341, 323, 504, 506, 498(A)/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act with respect to these petitioners, is hereby quashed.

9. This application is, accordingly, allowed.

(Prabhat Kumar Singh, J)

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