

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48560 of 2022

Arising Out of PS. Case No.-991 Year-2021 Thana- MUNGER COMPLAINT CASE
District- Munger

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1. SHYAM NANDAN SINGH Son of Late Jagdish Singh Resident of Village - Bharkuriya Kala, P.O.- and P.s.- Sirpura, Distt.- Rohtas at Present residing at Village - Sahijana, Ward no.11, Tower gali, P.O.- and P.s.- Garhwa, Dist.- Garhwa, Jharkhand.
 2. Urmila Devi W/o Shyam Nandan Singh Resident of Village - Bharkuriya Kala, P.O.- and P.s.- Sirpura, Distt.- Rohtas at Present residing at Village - Sahijana, Ward no.11, Tower gali, P.O.- and P.s.- Garhwa, Dist.- Garhwa, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ranju Kumari W/o Pinku Kumar Singh @ Pinku Kumar D/o Mohan Singh Resident of Village - Near Bekapur, Bhola Mandir (In front of United Bank of India), P.s.- Kotwali, Distt.- Munger.

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Ashok Kumar Singh, Advocate
For the State	:	Md. Nazir Ansari, APP
For Opposite Party No.2	:	Mr. Sanchit Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 06-03-2024 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the complainant/Opposite Party No. 2.

2. At the outset, learned counsel appearing on behalf of the petitioners submits that during pendency of this case, Petitioner No. 1 has died and as such this quashing application, with regard to Petitioner No. 1, has become infructuous. He seeks permission to withdraw this quashing application with



respect to Petitioner No. 1.

3. Permission is accorded.

4. This quashing application with respect to Petitioner No. 1 stands dismissed as withdrawn.

5. This application has been filed under Section 482 of the Code of Criminal Procedure, 1973, on behalf of the petitioners for quashing the order dated 08.04.2022 passed by the learned Additional Chief Judicial Magistrate-2nd, Civil Court, Munger, in Complaint Case No. 991(C) of 2021. By the said order, the learned Magistrate took cognizance of offences punishable under Sections 498A, 504 and 323 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act against three accused persons, including these petitioners.

6. The prosecution story in brief is that the complainant/Opposite Party No. 2 got married with co-accused Pinku Kumar Singh @ Pinku Kumar on 19.05.2015 after giving cash of Rs. 21,00,000/-. Thereafter, it is alleged that all the accused persons, including these petitioners, started torturing and harassing the informant/Opposite Party No. 2 due to non-fulfillment of demand for dowry.

7. Learned counsel appearing on behalf of the petitioners submits that Petitioner No. 2 is mother-in-law of



complainant/Opposite Party No. 2, and she is separate in mess and property. It is next submitted that she has nothing to do with the affairs of the complainant/Opposite Party No. 2 and her husband. Whatever happened between them was personal affairs of the husband and wife, with which the petitioner has nothing to do. It is next submitted that the F.I.R. does not disclose any distinct role or contribution of Petitioner No. 2 in the alleged occurrence and merely on the basis of general and omnibus allegation, the petitioner has been made an accused in this case and continuation of proceedings against this petitioner 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***.

8. On the other hand, learned A.P.P. for the State and learned counsel appearing on behalf of the complainant /Opposite Party No. 2 have vehemently opposed the arguments advanced on behalf of the petitioners and submits that Petitioner No. 2 is named in the F.I.R. and she was instrumental in torturing the complainant/Opposite Party No. 2, both mentally and physically. There is sufficient material on record against the



petitioner and it cannot be said that *prima facie* no case is made out against Petitioner No. 2. Hence, no interference is required by this court at this stage.

9. Having heard the submissions advanced by learned counsels appearing on behalf of the parties and perusing the materials available on record, this court is of the opinion that merely by making general allegations that the petitioner was also involved in physical and mental torture of the complainant/Opposite Party No. 2, without mentioning even a single incident against her, she has been made an accused in this case.

10. 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 petitioner, it would be unjust if the petitioner is forced to go through the tribulations of a trial.

11. In view of the foregoing discussions, the order of cognizance dated 08.04.2022 passed by the learned Additional Chief Judicial Magistrate-2nd, Civil Court, Munger, in



connection with Complaint Case No. 991(C) of 2021, with respect to Petitioner No. 2 is hereby quashed.

12. Accordingly, the present quashing application is partly allowed.

(Prabhat Kumar Singh, J)

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