

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50144 of 2023

Arising Out of PS. Case No.-116 Year-2023 Thana- NALANDA District- Nalanda

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1. Runi Devi Wife Of Pawan Kumar @ Pawam Singh D/O. Ravindra Prasad Singh, Resident Of Village - Kandap, P.S. - Gaurichak, District - Patna
 2. Baby Devi @ Baby Rani Wife Of Sanjay Singh @ Sanjay Sinha Resident Of Village - Sabalpur, P.S. - Fatuhaa, District - Patna
 3. Kumkum Devi Wife Of Raushan Kumar Resident Of Village - Saidpur, P.S. - Salimpur, District - Patna
 4. Raushan Kumar @ Bittu Son Of Ravindra Prasad Singh Resident Of Village - Saidpur, P.S. - Salimpur, District - Patna

... .. Petitioner/s

Versus

The State Of Bihar Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar
For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 02-09-2024 Heard the learned counsel for the parties.

2. This application has been filed for quashing the F.I.R. of Nalanda P.S. Case No. 116 of 2023 registered for the offences under Section 498(A) of the Indian Penal Code and Section $\frac{3}{4}$ of the D.P. Act.

3. As per the prosecution case, the allegation against the petitioners is that they have tortured and assaulted the informant due to non-fulfilment of demand of dowry,

4. The learned counsel for the petitioners has submitted that the petitioner no. 01 is married Sister in law (*Nanad*), petitioner no. 02 is cousin mother-in-law, petitioner no. 03 is Sister in law (*Gotani*) and petitioner no. 04 is brother-



in-law (*Bhaisur*) of the informant.

5. The learned counsel for the informant has appeared and opposed the application of the petitioners.

6. I have considered the submissions of the parties.

7. The allegation levelled against the petitioners are general and omnibus in nature. Petitioners being the married Sister in law (*Nanad*), cousin mother-in-law, Sister in law (*Gotani*) and brother-in-law (*Bhaisur*), in my opinion have falsely been implicated in the present case.

8. The Hon'ble Supreme Court in the case of ***Preeti Gupta V/s State of Jharkhand; (2010) 7 SCC 667, Achin Gupta V/s State of Haryana; 2024 SCC OnLine SC 759*** and in the case of ***Kahkashan Kausar & Ors V/s State of Bihar & Ors; AIR (2022) SC 820***, has deprecated the practice of falsely implicating all the family members including the relatives in a dowry case.

9. Considering the law laid down by the Hon'ble Supreme Court, I am of the view that the prosecution of the petitioners who are not directly connected with the informant or her husband is an abuse of the process of the Court and the same should not continue.

10. Accordingly, this application stands allowed and



the F.I.R. of Nalanda P.S. Case No. 116 of 2023 registered for
the offences under Section 498(A) of the Indian Penal Code and
Section 3/4 of the D.P. Act is hereby quashed.

(Sandeep Kumar, J)

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