

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.61457 of 2021

Arising Out of PS. Case No.-250 Year-2018 Thana- COMPLAINT CASE District- Araria

1. Asha Gupta W/O Satyabrat Gupta R/O Makalpur First Lane, Mahavir Nagar Near Nathpani Mandir, P.S-Balasore, District-Balasore (Odisha), Pin-756003
2. Satyabrat Gupta S/O Late Triveni Gupta R/O Makalpur First Lane, Mahavir Nagar Near Nathpani Mandir, P.S-Balasore, District-Balasore (Odisha), Pin-756003
3. Sunil Kumar S/O Satyabrat Gupta R/O Makalpur First Lane, Mahavir Nagar Near Nathpani Mandir, P.S-Balasore, District-Balasore (Odisha), Pin-756003

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Priti Kumari W/O Anil Kumar Gupta R/O Makalpur First Lane, Mahavir Nagar Near Nathpani Mandir, P.S-Balasore, District-Balasore (odisha), Pin-756003

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr.Sanjay Kumar
For the State	:	Mr.Jai Narain Thakur
For the O.P.2	:	None

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 13-02-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State. Despite valid service of notice, nobody appears on behalf of complainant / opposite party no. 2.

2. This application has been filed for quashing the order dated 24.09.2018 passed in Cr. Case Comp.(P) No. 250/2018, whereby and whereunder the court of learned S.D.J.M., Araria was pleased to take cognizance against petitioners under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

3. The case of the complainant, in short, is that on 05.02.2018, the complainant and her family members came in



contact with accused persons through internet i.e. *Shadi.Com*. Both families were agreed for marriage and accordingly, on 20.11.2016, engagement of son of petitioners no. 1 & 2 with complainant took place at Farbishganj. After the engagement, petitioners demanded Rs. Five lacs, as dowry, from the father of complainant and father of complainant transferred Rs. 3,50,000/- in the account of petitioners and thereafter, on 01.02.2017, the marriage was solemnized. It is further alleged that after the marriage, all the family members started torture and cruelty with the complainant due to further demand of dowry. In the meanwhile, the complainant became pregnant, but her mother-in-law gave her medicine for termination of her pregnancy, which she (complainant) refused on account of which, she was beaten by her in-laws members and ultimately, she (complainant) was driven out from her matrimonial home.

4. It is submitted on behalf of petitioners that petitioner no. 1 is father-in-law, petitioner no. 2 is mother-in-law and petitioner no. 3 is brother-in-law of the complainant/O.P.2. There is general and omnibus allegation and no specific & distinct allegations have been made against these petitioners. They have been dragged in this case only because they are family members of husband of complainant. It is further



submitted that the complainant / opposite party no. 2 has filed two different cases with the similar allegation. First case is the present one (i.e. Complaint case no. 250/2018) and the second case is Araria Mahila P.S. Case No. 48/2018 under Sections 341, 323, 498A, 504, 506, 379/34 of the Indian Penal Code and Sections 3 / 4 of the Dowry Prohibition Act. Besides aforesaid two cases, the opposite party no. 2 has also filed a petition under Section 125 Cr.P.C. for maintenance on 08.02.2018, bearing No. 46/2018, before the learned Principal Judge, Family Court, Araria. The present complaint petition has been filed on the basis of concocted story and after thought suppressing the material facts.

5. From perusal of the complaint petition, it is apparent that the allegations made against petitioners are general and omnibus in nature and no specific role has been assigned to them. The crux of the allegation is against husband of the complainant, who is not party to this case. The present complaint fails to establish specific allegation against petitioners, who are in-laws members of the complainant. Allowing prosecution in absence of clear allegation against the in-laws members would simply abuse of the process of the Court.



6. In the aforesaid facts and circumstances and in absence of any specific role attributed to the petitioners, it would be unjust if they are forced to face the trial. Accordingly, the order of cognizance dated 24.09.2018 passed in Cr. Case Comp.(P) No. 250/2018 by the learned S.D.J.M., Araria is, hereby, set aside and this petition is allowed.

(Prabhat Kumar Singh, J)

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