

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56117 of 2023

Arising Out of PS. Case No.-153 Year-2021 Thana- MAHILA P.S. District- Patna

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1. SATYENDRA NARAYAN SINGH S/O LATE SHYAM SUNDER SINGH R/O PREM NIWAS, PANCH MANDIR, ROAD NO. 2, SHEOPURI, P.S- SHASTRINAGAR, DISTT.- PATNA.
 2. RITA SINGH W/O SATYENDRA NARAYAN SINGH R/O PREM NIWAS, PANCH MANDIR, ROAD NO. 2, SHEOPURI, P.S- SHASTRINAGAR, DISTT.- PATNA.
 3. SRIJAN SRISHTI @ SHRINJAN SRISTI W/O RAVINDRA KUMAR DAS @ RAVINDRA DAS R/O SAVITRI SADAN, ROAD NO. 2, SHEOPURI, P.S- SHASTRINAGAR, DISTT.- PATNA.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. KUMARI JAYA W/O SUYASH SIDHANT, D/O DINESH PRASAD SINGH R/O VILLAGE- K.V. QUARTER NO. 6/66, NEAR POLICE CHOUKI, P.S- KANKARBAGH, DISTT.- PATNA.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr.Adv. Mr.Bhaskar Shankar, Advocate
For the Opposite Party/s :		Mr.Shantanu Kumar,A.P.P. Mr.Prabhat Ranjan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 23-04-2024 Heard Sri Krishna Prasad Singh, learned senior counsel appearing on behalf of petitioners, learned A.P.P. for the State and learned counsel appearing on behalf of informant/opposite party no. 2.

2. 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 16.11.2022 passed by the learned Judicial Magistrate 1st Class, Patna (hereinafter



referred to as the 'Magistrate') in Mahila P.S. Case No. 153 of 2021. By the said order, the learned Magistrate took cognizance of offences punishable under Sections, 341, 323, 498A, 406, 504 read with 34 of the Indian Penal Code and Section 3 / 4 of the Dowry Prohibition Act against all the petitioners including co-accused Suyash Sidhant.

3. The prosecution story in brief is that the informant/opposite party no. 2 got married with co-accused Suyash Sidhant. Thereafter, it is alleged that all the petitioners including co-accused Suyash Sidhant, started torturing and harassing the informant/Opposite Party No. 2 due to non-fulfillment of demand for dowry. It is also alleged that all the accused persons, including these petitioners, misbehaved with the family members of informant/Opposite Party No. 2. It is next alleged that the accused persons have also kept mobile phone alongwith other belongings as well as certificates of the informant/opposite party no. 2.

4. Learned senior counsel appearing on behalf of the petitioners submits that petitioner no. 1 is father-in-law, petitioner no. 2 is mother-in-law and petitioner no. 3 is married sister-in-law of the informant and they are separate in mess and property. He next submits that petitioners never demanded any



dowry or committed torture to the informant, however since they are in-laws members of informant, have been falsely implicated in this case, whereas they have nothing to do with the affairs of the informant/Opposite Party No. 2 and her husband. From bare perusal of the F.I.R., it is apparent that thrust of the accusation is against husband of the informant. He further submits that no specific date, time and place has been mentioned as to when the informant was subjected to torture and harassment for dowry by the accused persons. Merely on the basis of general and omnibus allegation, the petitioners have been made accused in this case and as such, continuation of proceedings against these petitioners would amount to an 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 informant/Opposite Party No. 2 vehemently opposed the submissions made on behalf of petitioners and submitted that petitioners are named in the F.I.R. and they were instrumental in torturing the



informant/opposite party no. 2, both mentally and physically. There is sufficient material on record against the petitioners 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 counsels appearing on behalf of the parties and perusing the materials available on record, and on perusal of the F.I.R., it appears that only omnibus allegations have been made by the informant. Neither date nor time or place has been mentioned by the informant as to where she was subjected to cruelty and harassment in regard to demand of dowry by these petitioners.

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 (*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 petitioners, it would be unjust if the petitioners are forced to face the trial.

8. Considering the aforesaid facts and circumstance as well as law laid down by the Hon'ble Apex Court in the cases of **Preeti Gupta (*supra*)** and **Kahkashan Kausar alias Sonam**



(*supra*), the order of cognizance dated 16.11.2022 passed by the learned Judicial Magistrate 1st Class, Patna in Mahila P.S. Case No. 153 of 2021, so far as these petitioners are concerned, is hereby quashed.

9. The present quashing application is thus allowed.

(Prabhat Kumar Singh, J)

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