

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.59909 of 2023**

Arising Out of PS. Case No.-11700 Year-2022 Thana- PATNA COMPLAINT CASE District-  
Patna

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1. UMESH PRASAD PANDEY Son of Late Baudhu Pandey Resident of 29A West Anand Puri, Boring Road, In Front of SBI ATM, P.S. - Shri Krishna Puri, Distt. - Patna, Bihar
  2. Renu Pandey Wife of Umesh Prasad Pandey Resident of 29A West Anand Puri, Boring Road, In Front of SBI ATM, P.S. - Shri Krishna Puri, Distt. - Patna, Bihar
  3. Chetnanand Son of Umesh Prasad Pandey Resident of 29A West Anand Puri, Boring Road, In Front of SBI ATM, P.S. - Shri Krishna Puri, Distt. - Patna, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dr. Divya Archana D/o Satyanarayan Singh Resident of Flat No. 2B, Apna Awas Yogmaya Apartment Parmanand Path Nageshwar Colony, P.S. - Budha colony, Distt. - Patna Bihar

... .. Opposite Party/s

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**Appearance :**

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| For the Petitioner/s     | : | Mr. Pravashankar Mishra, Advocate<br>Mr. Ranjan Kumar Jha, Advocate |
| For the Opposite Party/s | : | Mr. Raj Ballabh Singh, APP                                          |
| For OP 2                 | : | Dinu Kumar , Advocate                                               |

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

4      23-04-2024                      At the outset, learned counsel for the petitioner No. 3 seeks permission to withdraw the quashing application .

2. Permission is accorded.

3 . The quashing application of petitioner No. 3 is dismissed as withdrawn .

4. Heard learned counsel for the petitioner Nos. 1 and 2, opposite party No. 2 and the State .

5 . This application has been filed for quashing the order of cognizance dated 25.11.2022, passed in connection with complaint case no 11700/2022, passed by Ld. Judicial Magistrate First class-XXII, Patna finding prima facie case



against the petitioners under section 498(A) of Indian penal code with and also for quashing the further proceedings in the complaint case no 11700/2022, which is pending in the court of Ld. Judicial Magistrate First class, Patna .

6. The prosecution case, in short, is that one Dr. Divya Archan, female, aged about 31 years, daughter of Satyanarayan Singh residents of Flat No. 2B, Apna Awas Yogmaya Apartment Parmanand Path Nageshwar Colony, P.S. Budha colony, District Patna, Bihar, filed a complaint case before the Ld. Chief Judicial Magistrate, Patna, stating therein that the complainant is an M.D.S. in Medical. She was married on July 7, 2021, to the petitioner, who was posted in the USA at the time, and thereafter he transferred to India. The complainant further stated that before the negotiation of marriage, both of the couple met each other, and with consent, the Tilak ceremony was completed by giving gold rings, cash, and garments. On July 7, 2021, the date of marriage was fixed mutually. It is further stated that, at the direction of the petitioner, the panacea hotel was booked, and from there, the marriage was completed. It is also stated that at the time of marriage, 350 grams of 18 lakh silver, 4 lakh one Swift car, and 11 lakh cash, along with other daily needs items, were given, and a total of 70 lakh rupees had been spent on



marriage. It is further stated that the father of the complainant is a retired person, and he spent as per his capacity. It is also stated that on the next day of marriage, the complainant went to her matrimonial house. It is further alleged that the in-laws of the complainant didn't welcome her in a good manner, and her mother-in-law started commenting on her by saying that she is not from a high class, and the petitioner also supported them, and he threatened her to get a second marriage and left her. It is also alleged that she stayed in a matrimonial house for days, and after that, she went to college for the completion of her education, for which her in-law promised that they would pay all fees but only pocket expenses. It is also alleged that after marriage, the accused person was pressured to disconnect from her parents. On protest by the complainant, another accused person abused her, and the petitioner of the complainant tried to get out of the house, but on objections from the other family members, she was allowed to stay there. It is further alleged that the complainant went to college for education and continued her study, while when she called her husband, he misbehaved with her and always commented on the name of her class and status. It is also alleged that after she completed her education and came home, her in-law started making pressure to get a



government job immediately or else threatened to get out of the house. It is further stated that, on information, complainant parents came to pacify the issues, but none of the accused persons were ready to keep her. It is also alleged that, on several occasions, the accused persons tortured her by different methods.

7. Petitioner No. 1 is the father-in-law , petitioner No.2 mother-in-law of the complainant.

8 . While denying the allegations, learned counsel for the petitioners contended that even if the entire facts mentioned in the complaint is taken into consideration in its entirety, then prima facie no case is made out against the petitioners under section 498(A) of Indian Penal Code . Therefore, to prevent the abuse of process of law, the entire proceeding including the order of cognizance may be quashed. It is further contended that the prosecution story as per complaint is doubtful and on the basis of omnibus and vague allegation these petitioners have falsely been implicated in this case. He lastly submits that whenever any dispute arises in between the husband and the wife , the entire family members are implicated in a mechanical manner with general, omnibus and ornamental allegation . As such, 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*.

9. 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 complaint 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.

10 . Having heard the submissions advanced by learned counsel appearing on behalf of the parties and on perusing the materials available on record, and the complaint, it appears that only omnibus allegations have been made by complainant, neither date nor time or place regarding the incident happened with her has been mentioned by her that as and when she was subjected to cruelty and harassment in regard to demand of dowry .



11 . 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 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 go through the tribulations of a trial.

12. In view of the foregoing discussions, order of cognizance dated 25.11.2022, passed in connection with complaint case no 11700/2022, passed by Ld. Judicial Magistrate First class-XXII, Patna with respect to these petitioner Nos. 1 and 2 only , is hereby quashed.

13 . This application is accordingly allowed.

**(Prabhat Kumar Singh, J)**

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