

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59826 of 2023

Arising Out of PS. Case No.-375 Year-2019 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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1. RAVINDRA KUMAR @ RAMENDRA KUMAR Son of Late Dwarika Prasad Singh R/o vill - Daulatpur, P.S. - Koilwar, Distt. - Bhojpur
 2. Dharmendra Kumar Singh @ Dharmendra Kumar Son of Late Dwarika Prasad Singh R/o vill - Daulatpur, P.S. - Koilwar, Distt. - Bhojpur
 3. Nira Devi Wife of Ravindra Kumar @ Ramendra Kumar R/o vill - Daulatpur, P.S. - Koilwar, Distt. - Bhojpur
 4. Savita Devi Wife of Dharmendra Kumar R/o vill - Daulatpur, P.S. - Koilwar, Distt. - Bhojpur
 5. Lahaso Kumari Wife of Late Dwarika Prasad Singh R/o vill - Daulatpur, P.S. - Koilwar, Distt. - Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Madhuri Devi Wife of Manindra Kumar @ Gopal Ji, D/o Nandlal Singh R/o vill - Daulatpur, P.S. - Koilwar, Distt. - Bhojpur, presently residing at village - Rupchakiya, P.S. - Chandi, Distt. - Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar , Advocate
For the Opposite Party/s	:	Mr. Anil Kumar Singh No. 1, APP
For the OP 2	:	Shiv Prasad Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 23-04-2024 This application has been filed for quashing the order dated 11.07.2019 whereby and whereunder cognizance has been taken against the petitioners for the offences punishable under section 498 A of the Indian Penal Code passed by the learned Court of Judicial Magistrate - 1st Class, Bhojpur at Ara in connection with Complaint Case No. 375 C of 2019.



2. The prosecution case, in brief, is that the complainant namely *Madhuri Devi*, filed a complaint against her husband, including her in-laws and family members. It was stated therein that the marriage of the complainant was solemnized on June 10, 2015, with co-accused *Manindra Kumar* at *Gopal Ji* as per Hindu rites and rituals. In marriage, the father of the complainant gifted Rs. 4,00,000 in cash along with utensils, clothes, and ornaments by selling his land. After one year of marriage, all accused persons started demanding Rs. 5,00,000/- from her parents for starting a business, and the same was not fulfilled by the parents of the complainant. The accused persons then started torturing her mentally and physically. The complainant born one male child with their wedlock, namely *Aayush Anand*, aged about 2½ years. After some time, the complainant also gave birth to a female child, but the said female child did not survive and died after 10 days. The complainant has also alleged that her husband has an illicit relationship with his sister-in-law co-accused, *Savita Devi*.

3 . Petitioner Nos. 1 and 2 are *Devar* petitioner Nos. 3 and 4 is the sister-in-law and petitioner No. 5 is mother-in law of the complainant.



4. While denying the allegations, learned counsel for the petitioners contended that even after 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 sections 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 the dispute is general and omnibus in between husband and wife and there is no specific allegation against these petitioners for commission of the alleged cruelty or demand of dowry. 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.

5 . 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.

6. 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 opposite party no.2.

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 & 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.

8 . In view of the foregoing discussions, order dated



11.07.2019 whereby and whereunder cognizance has been taken against the petitioners for the offences punishable under section 498 A of the Indian Penal Code passed by the learned Court of Judicial Magistrate - 1st Class, Bhojpur at Ara in connection with Complaint Case No. 375 C of 2019 , with respect to these petitioners only , is hereby quashed.

9. This application is accordingly allowed.

(Prabhat Kumar Singh, J)

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