

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61098 of 2022

Arising Out of PS. Case No.-98 Year-2020 Thana- SHRIKRISHNAPURI District- Patna

1. URMILA DEVI JHA @ URMILA JHA Wife of Sri Mohan Jha Resident at Flat No.103, Sai Kripa Apartment, P.S.- Sri Krishnapuri, Town and District- Patna
2. AVINASH KUMAR Son of Sri Mohan Jha Resident at Flat No.103, Sai Kripa Apartment, P.S.- Sri Krishnapuri, Town and District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. SMT. ANITA JHA Wife of Sri Avinash Kumar Resident at Flat No.103, Sai Kripa Apartment, P.S.- Sri Krishnapuri, Town and District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sri Nandan Singh, sENiOr Advocate Mr. Dharendra Narain Mallik, Advocate
For the Opposite Party/s :		Mr. Abhay Kumar , APP
For OP 2	:	Renu Kumari , Advocate Sangeeta Kumari Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 13-03-2024 Heard learned counsel for the petitioner No. 2.

2. A supplementary affidavit has been filed by learned counsel for the petitioner No. 2 which is taken on record in which permission has been sought to withdraw the quashing application on behalf of petitioner No. 2.

3. Permission is accorded.

4. Accordingly, the quashing petition with regard to petitioner no. 2 is dismissed as withdrawn.

5. Heard learned counsel for the petitioner No. 1, Opposite party No. 2 and the State.



6. This application has been filed for quashing of order dated 02.06.2021 passed in connection with Sri Krishnapuri Police Station Case No. 98 of 2020 and G.R. No. 2210 of 2020 passed by the learned Additional Chief Judicial Magistrate - IVth, District- Patna, by whom cognizance has been taken against the petitioner No. 1 under sections 341 , 323 , 498A 504 and 34 of the I. P . C .

7. The prosecution case, in brief, is that the informant *Anita Jha* got married with co-accused *Avinash Jha*, 19 years ago, and both are parents of two daughters. The husband of the informant, *Avinash Jha*, along with other co-accused persons, used to abuse and assault the informant. It is further alleged that on March 17, 2020, the husband of the informant forced her into a drunken state, and on protest, he started abusing and assaulting her, due to which she sustained injury , and at last, her in-laws ousted her from their house.

8 . Petitioner No. 1 mother-in-law of the informant.

9. While denying the allegations, learned counsel for the petitioner No. 1 submits that the F.I.R does not disclose any distinct role or contribution of the petitioner No. 1 in the alleged occurrence and merely on the basis of general and omnibus allegation she has been made accused in this case .



The thrust of the accusation is against the husband of the informant. In absence of specific accusation , continuation of proceedings against the petitioner No. 1 would amount to abuse of the process of the court. In this connection, learned counsel for the petitioner 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.***

10 . 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 petitioner No. 1 and submits that petitioner No. 1 is named in the FIR 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 petitioner No. 1. Hence, no interference is required by this court at this stage.

11 . 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, 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.

12. 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 petitioner No. 1, it would be unjust if the petitioner No. 1 is forced to go through the tribulations of a trial.

13 . In view of the foregoing discussions, order dated 02.06.2021 passed in connection with Sri Krishnapuri Police Station Case No. 98 of 2020 and G.R. No. 2210 of 2020 passed by the learned Additional Chief Judicial Magistrate - IVth, District- Patna , with respect to the petitioner No. 1, is hereby quashed.

14. This application is accordingly allowed.

(Prabhat Kumar Singh, J)

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