

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61187 of 2023

Arising Out of PS. Case No.-42 Year-2020 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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1. Yugeshwar Yadav Son Of Late Abadh Yadav Resident Of Village Uttar Ps Saharghat District Madhubani
 2. Mera Devi @ Mera Kumari Wife Of Yugeshwar Yadav Resident Of Village Uttar Ps Saharghat District Madhubani
 3. Krishna Devi @ Guddi Kumari Wife Of Ram Pravesh Roy Resident Of Village Uttar Ps Saharghat District Madhubani
 4. Soni Kumari Daughter Of Ram Pravesh Roy Resident Of Village Uttar Ps Saharghat District Madhubani

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Manju Kumari Wife Of Anil Kumar, D/O Yogendra Yadav Village- Parkaukli, Ps- Arer, Dist- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha
For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 15-07-2024 Heard the learned counsel for the parties.

2. Learned counsel for the petitioners prays for and is permitted to withdraw this application on behalf of petitioner no. 01 and 02 with liberty to raise all the grounds at the stage of framing of charge.

3. This application is dismissed as withdrawn on behalf of the petitioners no.01 and 02 with the aforesaid liberty to them.

4. This application has been filed for quashing the



cognizance order dated 08.03.2021 passed in C.R. No. 42 of 2020 by the learned A.C.J.M., Benipatti, Madhubani by which the court below has taken cognizance under Sections 147, 323, 341, 342, 498(A), 379, 504, 506, 120(B), 34 of the I.P.C against the petitioners.

5. So far as petitioners no. 03 and 04 are concerned, they are the Sister-in-law (*Nanad*) and Niece (*Bhagini*) of the O.P. No. 02.

6. A complaint case has been filed by the O.P. no. 2 alleging torture for demand of dowry by the accused persons including these two petitioners i.e. petitioner no. 03 and 04.

7. The allegation levelled against the petitioners are general and omnibus in nature. Petitioners being the Sister-in-law and Niece of the O.P. No. 02(complainant), in my opinion have falsely and mala fide implicated in the present case.

8. The Hon'ble Supreme Court in the cases of ***Preeti Gupta V/s State of Jharkhand; (2010) 7 SCC 667, Achin Gupta V/s State of Haryana; 2024 SCC OnLine SC 759*** and in the case of ***Kahkashan Kausar & Ors V/s State of Bihar & Ors; AIR (2022) SC 820*** has repeatedly held that the entire family including the junior members of the family and the relative should not be roped in because of mala-fide reasons.



9. Considering the mala fide prosecution against the petitioners no. 03 and 04 who are relatives of the victim, this application is allowed and the cognizance order dated 08.03.2021 passed in C.R. No. 42 of 2020 by the learned A.C.J.M., Benipatti, Madhubani is hereby quashed against petitioners no. 03 and 04.

10. It is made clear that the further proceedings in the court below with regard to petitioner nos. 01 and 02 shall continue.

(Sandeep Kumar, J)

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