

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1617 of 2022

Arising Out of PS. Case No.-54 Year-2018 Thana- MAHILA P.S. District- Patna

Swetank Kumar, Son Of Sanjay Kumar Resident Of Village - East Tej Pratap
Nagar, Anishabad, P.S.- Beur, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Kavita Kumari D/O Surendra Kumar Singh Resident Of Village - Sai Vihar
Coloney, Jaganpura, Shahpur, Main Road, P.S.- Ram Krishna Nagar, Patna,
Distt.- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rakesh Kumar Samrendra
For the Opposite Party/s	:	Mr.Ganesh Prasad Singh
		Mr.Raj Kishor Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 01-02-2024 1. Heard learned counsel for the petitioner, learned
counsel for the opposite party no.2 and learned APP for the
State.

2.The learned counsel for the petitioner submits
that the present quashing application has been filed seeking
quashing of the order dated 03.12.2019 and amended order
dated 02.03.2020 passed by the learned Judicial Magistrate,
1st Class, Patna in connection with Mahila P. S. Case No. 54
of 2018, whereby cognizance of offence under Sections
498(A), 313, 509, 379 and 34 of the I.P.C. read with
Sections 3 and 4 of the D. P. Act has been taken.



3.The learned counsel for the petitioner next submits that petitioner is the nephew of the husband of the opposite party no.2, as such, opposite party no.2 is aunt (Chachi) of the petitioner. It is next submitted that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that no specific allegation is alleged against the petitioner. It is submitted that the allegation as alleged leads to an irresistible conclusion that the opposite party no.2, being aggrieved by the conduct of her husband, implicated the petitioner with an exaggerated allegation that at the time of occurrence, the petitioner went away smiling. It is further submitted 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.

4.The learned counsel next submits that petitioner has recently completed his engineering course from Bangalore college. It is thus submitted that in the event, in the nature of allegation as alleged in the F.I.R., if the petitioner is allowed to face the rigours of the criminal trial,



his entire career would get jeopardize.

5. The learned Additional P. P. as well as learned counsel for the opposite party no.2 vehemently rebuts the submission of the learned counsel for the petitioner, but are not in a position to rebut the submission that there is no specific allegation against the petitioner except that he went away from the place of occurrence smiling.

6. Considering the submission made by the learned counsel for the petitioner, the Court comes to a prima facie conclusion based on the allegation that the opposite party no.2 in anger implicated the petitioner, who is nephew of her husband, as such, the order dated 03.12.2019 and amended order dated 02.03.2020 passed by the learned Judicial Magistrate, 1st Class, Patna in connection with Mahila P. S. Case No. 54 of 2018, whereby cognizance of offence under Sections 498(A), 313, 509, 379 and 34 of the I.P.C. read with Sections 3 and 4 of the D. P. Act has been taken, **is hereby quashed.**

7. It is made clear that the order of cognizance has been quashed only with respect to the petitioner herein.



8. The office is directed to accept the hard copy of
the quashing application.

(Satyavrat Verma, J)

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