

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3547 of 2023

Arising Out of PS. Case No.-485 Year-2021 Thana- SAHAYAK NAGAR District- Katihar

1. Rajni Devi W/O Shiv Lal Rajak Resident Of Village- Near Baptist Church Nayagaon, P.S.- East Colony, District- Munger.
2. Shivilal Rajak S/O Late Doman Rajak Resident Of Village- Near Baptist Church Nayagaon, P.S.- East Colony, District- Munger.
3. Neetu Datta D/O Shivilal Rajak Resident Of Village- Om Swastik Apartment, Mahabir, Colony, P.S.- Rupnarayanpur, Achhra, Chittaranjan, Barddhaman.

... .. Petitioners

Versus

1. The State of Bihar
2. Ruisha Kaveri W/O Amit Kumar, D/O Vijay Kumar Baitha Resident Of Village- Rajak Tola, P.S.- Sahayak, P.S.- District- Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr.Kumar Kamal Nayan, Advocate
For the Opposite Party	:	Mr.Ashok Kumar Singh, Addl Public Prosecutor Mr. Ajit Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-03-2024 This application has been filed for quashing the order dated 06.07.2022 passed by the SDJM, Katihar, in G.R.No 3416/2021 (arising out of Nagar Sahayak P.S case No 485/2021 dated 01.09.2021 registered U/s 498A/ 341/ 323/ 307/ 325/ 379/ 427/ 504/ 34 of IPC and section 3/4 of D.P. Act), whereby and whereunder the learned court has taken cognizance U/s 498A/342/323/379/427/504/ 34 of IPC.

2. Prosecution case in brief is that the marriage of the informant namely Rushia Kaveri was solemnized on 11.12.2020 with Amit Kumar (accused No-1). Husband of the informant demanded a car or Rs. 10 lac from her father but her father was



incapable to pay the same. On account of non- fulfillment of his demand her husband used to assault and torture the informant. On 20.08.2021 at his resident Noida Uttar Pradesh, her husband brutally assaulted the informant as such her hand got fractured. The informant has also made complaint for assault before the Noida (Uttar Pradesh) Police. On 29.08.2021 informant left Noida and reached at the house of her father in Katihar. It has further been alleged that the father-in- law of the informant (petitioner no.2), mother-in-law (petitioner no.1) assaulted the informant and tried to burn her. It is further alleged that petitioner no.3 who is sister-in-law of the informant, always instigated the accused persons to assault the informant.

3. While denying the allegations, learned counsel for the petitioners submits that these petitioners are in-laws of opposite party no.2. informant/ opposite party no.2 does not disclose any distinct role or contribution of these petitioners in the alleged occurrence and merely on the basis of general and omnibus allegation and in such circumstances, 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.**

4. 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 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 petitioners. Hence, no interference is required by this court at this stage.

5. Having heard the submissions advanced by learned counsel appearing on behalf of the parties and perusing the materials available on record, and on perusal of the F.I.R., it appears that only omnibus allegations have been made by the informant. Neither time nor place where the incident happened with the informant has been mentioned by her as to where she was subjected to cruelty and harassment in regard to demand of dowry.

6. 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.

7. In view of the foregoing discussions, order dated 06.07.2022 passed by the SDJM, Katihar, in G.R.No 3416/2021 (arising out of Nagar Sahayak P.S case No 485/2021) with respect to these petitioners, is hereby quashed.

8. This application is accordingly allowed.

(Prabhat Kumar Singh, J)

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