

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6084 of 2019

Arising Out of PS. Case No.-2881 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Chinta Devi Kameshwar Prasad. resident of Block No.- 5, Sector-6, Room No. 264 L.I.G. Colony, Bahadurpur Housing Colony, Bhootnath Road, P.S.- Agamkuan, District- Patna.
 2. Devendra Kumar @ Udai Sri Kameshwar Prasad resident of Block No.- 5, Sector-6, Room No. 264 L.I.G. Colony, Bahadurpur Housing Colony, Bhootnath Road, P.S.- Agamkuan, District- Patna.
 3. Kameshwar Prasad Jag Naraiyan Pandit resident of Block No.- 5, Sector-6, Room No. 264 L.I.G. Colony, Bahadurpur Housing Colony, Bhootnath Road, P.S.- Agamkuan, District- Patna.
 4. Shashi Kumari, Sri Kameshwar Prasad, resident of Mohalla- Kamruddinganj, Biharsharif kabritan, P.S.- Laheri, District- Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Smt. Pindi Devi, Sri Siya Sharan Prasad, A/P residing at Mohalla- Golukdih, Near Cheek Post, P.O.- Jharia P.S.- Tisra, District- Dhanbad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Upendra Kumar Singh, Advocate
For the State	:	Mr. Shyam Kumar Singh, APP
For the O.P. No.2	:	Mr. Satish Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 05-08-2025 Heard learned counsel for the petitioners, learned
counsel for the State and learned counsel for the opposite party
no.2.

2. This application has been filed on behalf of the
petitioners for setting aside/quashing the order of cognizance
dated 02.06.2017 by which the Sub-Divisional Judicial
Magistrate, Patna took cognizance under Sections 498A, 379



and 406/34 of Indian Penal Code and Section 4 of D.P. Act against the petitioners in connection with Complaint Case No.2881C/2016.

3. As per the prosecution case, the petitioners along with other co-accused persons are said to have tortured and ousted the opposite party no.2 from her matrimonial home over dowry demand.

4. At the very outset, learned counsel for the petitioners prays for and is permitted to withdraw application filed on behalf of petitioners no.1 and 3 with liberty to raise the grounds at an appropriate stage.

5. The application of the petitioners no. 1 and 3 is dismissed as withdrawn with the aforesaid liberty.

6. So far as petitioners no. 2 and 4 are concerned, they are the brother-in-law (*Devar*) and sister-in-law (*Nanad*).

7. Learned counsel for the petitioners submits that in year 2008, the opposite party no.2 had already filed a complaint case on same allegation before the learned Chief Judicial Magistrate, Dhanbad, bearing Complaint Case No.116 of 2008 in which, the learned Judicial Magistrate, Dhanbad had taken cognizance u/s 498A of IPC against the petitioners and others. Thereafter, the accused namely Dharmendra Kumar (husband)



had filed a Cr. Misc. Petition for quashing the aforesaid cognizance order before the Hon'ble High Court, Jharkhand, Ranchi, bearing Cr. M.P. No.1143 of 2008 and after hearing the parties, the said Cr. Misc Petition was allowed and the order of cognizance has been quashed. Thereafter, the opposite party no.2 has again filed the present complaint petition on the same subject matter at Patna.

8. Learned counsel for the petitioners further submits that the learned Magistrate has passed the impugned order of cognizance without application of mind and has taken cognizance against all the accused persons including the petitioners no. 2 and 4. He further submits that the petitioners no. 2 and 4 have never demanded dowry or assaulted the opposite party no.2.

9. Learned counsel for the State as well as learned counsel for the opposite party no.2 have opposed the prayer.

10. The Hon'ble Supreme Court in the case of ***Preeti Gupta & Anr. Vs. State of Jharkhand & Anr*** reported in (2010) 7 SCC 667, in the case of ***Kahkashan Kausar alias Sonam Vs. State of Bihar*** reported in (2022) 6 SCC 599 and in the case of ***Achin Gupta Vs. State of Haryana & Anr*** reported in 2024 SCC Online SC 759 has deprecated the practice of falsely



implicating the relatives of the husband in a matrimonial dispute.

11. Considering the fact that the petitioners no. 2 and 4 are the member of the family and are not directly involved in the demand of dowry, this application is allowed with respect to the petitioners no.2 and 4.

12. Accordingly, the cognizance order dated 02.06.2017 passed by the Sub-Divisional Magistrate, Patna in Complaint Case No.2881(C) of 2016 is hereby quashed with regard to the petitioners no. 2 and 4 only.

13. The proceedings with regard to other co-accused persons including the petitioners no.1 and 3 shall continue.

(Sandeep Kumar, J)

anand/-

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