

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27463 of 2021

Arising Out of PS. Case No.-58 Year-2018 Thana- HASPURA District- Aurangabad

1. RAUSHAN KUMAR @ ROUSHAN KUMAR son of Manoj Sharma @ Manoj Kumar Resident of village- Manpura, P.S- Haspura, Dist- Aurangabad,
2. Manoj Sharma @ Manoj Kumar son of Ram Lakhan Sharma Resident of village- Manpura, P.S- Haspura, Dist- Aurangabad,

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Kushboo Kumari wife of late Rahul Kumar Resident of village- Manpura, P.S- Haspura, Dist- Aurangabad,

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 59087 of 2021

Arising Out of PS. Case No.-57 Year-2018 Thana- HASPURA District- Aurangabad

RAUSHAN KUMAR @ ROUSHAN KUMAR S/o Manoj Sharma @ Manoj Kumar @ Manoj Kumar sharma R/o village- Manpura, P.S.- Haspura, District- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Kanhai Singh S/o Late Dudhan Singh R/o village- Tilauti, P.S.- Haspura, District- Aurangabad

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 27463 of 2021)

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Md. Aslam Ansari

(In CRIMINAL MISCELLANEOUS No. 59087 of 2021)

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Manoj Kumar

Mr. Jharkhandi Upadhyay, APP

For the O.P. No. 02 : Mr. Parmanand Pd. Narayan Shahi.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 24-03-2025

Ref:- Cr. Misc. No. 27463 of 2021



This is an application for quashing of the impugned order dated 12.04.2019 passed by the Judicial Magistrate, 1st Class, Daudnagar in G.R. No. 256 of 2018 / Tr. No. 2267 of 2019 arising out of Haspura P.S. Case No. 58 of 2018 registered for the offence under Sections 341, 323, 504, 506/34 of the Indian Penal Code and under Sections 27 of the Arms Act.

2. As per the prosecution case, the marriage of the informant was solemnized with one Rahul Kumar, who died after some time of the marriage. Upon the death of the husband of the informant, her in-laws started torturing her and have also said that they will not give her any share in the property.

3. The petitioner no. 1 is brother-in-law and petitioner no. 02 is father-in-law of the informant and there is general and omnibus allegation against the them.

4. Learned APP for the State and learned counsel for the opposite party no. 2 have opposed the prayer of the petitioner.

5. The Hon'ble Supreme Court in the case of ***Preeti Gupta & Anr. Vs. State of Jharkhand & Anr*** reported in (2010) 7 SCC 667, and 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.

6. Considering the fact that the petitioners are members of the family and are not directly involved in the case, this application is allowed.

7. Accordingly, the impugned order dated 12.04.2019 passed by the Judicial Magistrate, 1st Class, Daudnagar in G.R. No. 256 of 2018 / Tr. No. 2267 of 2019 arising out of Haspura P.S. Case No. 58 of 2018 is hereby quashed.

Ref:- Cr. Misc. no. 59087 of 2021

This is an application for quashing of the impugned order dated 4.2.2019 passed by the Judicial Magistrate, 1st Class, Daudnagar in G.R. No. 255 of 2018 / Tr. No. 2219 of 2019 arising out of Haspura P.S. Case No. 57 of 2018 registered for the offence under Sections 341, 323, 427, 504/34 of the Indian Penal Code.

2. As per the prosecution case, the informant has alleged that when he, along with other family members went to the *sasural* of her granddaughter, the petitioner had assaulted the informant and others with stick which caused injury upon the informant.



3. Upon perusal of the entire FIR, this Court finds that the entire prosecution has been launched with a mala fide intention and the same cannot be allowed to continue.

4. In view of the above, this application is allowed.

5. Accordingly, the impugned order dated 4.2.2019 passed by the Judicial Magistrate, 1st Class, Daudnagar in G.R. No. 255 of 2018 / Tr. No. 2219 of 2019 arising out of Haspura P.S. Case No. 57 of 2018 is hereby quashed.

(Sandeep Kumar, J)

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