

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11585 of 2021

Arising Out of PS. Case No.-1989 Year-2015 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. Vikas Kumar @ Vikash Kumar S/O Vinod Gupta @ Vinod Kumar Gupta Resident Of Mohalla-Hathsarganj, P.S.-Hajipur Town, District-Vaishali.
 2. Vinod Gupta @ Vinod Kumar Gupta S/O Late Rajendra Prasad Gupta Resident Of Mohalla-Hathsarganj, P.S.-Hajipur Town, District-Vaishali.
 3. Renu Gupta W/O Vinod Gupta @ Vinod Kumar Gupta Resident Of Mohalla-Hathsarganj, P.S.-Hajipur Town, District-Vaishali.
 4. Binita Sah W/O Dharmendra Kumar Resident Of Mohalla-Hathsarganj, P.S.-Hajipur Town, District-Vaishali. At Present Resident Of Mohalla-Aliganj Katghar, P.S.-Mujahidpur, District-Bhagalpur.
 5. Dharmendra Kumar S/O Kamleshwar Prasad Sah Resident Of Mohalla-Hathsarganj, P.S.-Hajipur Town, District-Vaishali. At Present Resident Of Mohalla-Aliganj Katghar, P.S.-Mujahidpur, District-Bhagalpur.
 6. Vijeta Gupta W/O Srikant Kumar @ Shrikant Kumar Resident Of Mohalla-Hathsarganj, P.S.-Hajipur Town, District-Vaishali. At Present Resident Of Mohalla-Karman Tola, P.S.-Ara Nawada, District-Bhojpur.
 7. Srikant Kumar @ Shrikant Kumar S/O Late Ramnath Prasad Sah Resident Of Mohalla-Hathsarganj, P.S.-Hajipur Town, District-Vaishali. At Present Resident Of Mohalla-Karman Tola, P.S.-Ara Nawada, District-Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Madhu Kumari W/O Vishal Kunal Resident Of Mohalla-Hathsarganj, P.S.-Hajipur Town, District-Vaishali. D/O Rajeshwar Prasad Mandal, Member Consumer Forum, Samstipur R/O Kashipur, Ward No.09, P.S.-Town, District-Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi
For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 01-07-2025 Heard the learned counsel for the petitioners and the
learned counsel for the State.

2. This application has been filed for quashing the
order dated 13.01.2020 passed by the learned Judicial Magistrate
1st Class, Samastipur in Tr. No. 2176 of 2020 arising out of



Complaint Case No. 1989/2015 by which application under Section 245 of Cr.P.C. filed by the petitioners was dismissed.

3. As per the prosecution case, the petitioners are accused of demanding dowry and due to non-fulfillment of demand of dowry, the petitioners used to torture the complainant.

4. At the very outset, learned counsel for the petitioners prays for withdrawing the application filed on behalf of petitioner nos. 02 and 03.

5. Permission is accorded.

6. Accordingly, the application filed on behalf of petitioner nos. 2 and 3 is dismissed as withdrawn with liberty to raise all the grounds at an appropriate stage.

7. So far as petitioner no. 1, petitioner no. 4, petitioner no. 5, petitioner no. 6 and petitioner no. 7 are concerned, the petitioner no. 1 is brother-in-law(Devar), petitioner no. 4 is married sister-in-law (Nanad), petitioner no. 5 is brother-in-law (Nandoshi), petitioner no. 6 is another married sister-in-law (Nanad) and petitioner no. 7 is brother-in-law (Nandoshi) of the complainant.

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

9. 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.

10. Considering the fact that petitioner no. 1, petitioner no. 4, petitioner no. 5, petitioner no. 6 and petitioner no. 7 are members of the family and are not directly involved in the demand of dowry, this application is partly allowed with respect to them.

11. Accordingly, the order dated 13.01.2020 passed by the learned Judicial Magistrate 1st Class, Samastipur in Tr. No. 2176 of 2020 arising out of Complaint Case No. 1989/2015 is hereby quashed with respect to petitioner no. 1, petitioner no. 4, petitioner no. 5, petitioner no.6 and petitioner no. 7 only.

(Sandeep Kumar, J)

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