

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.956 of 2022

Arising Out of PS. Case No.-93 Year-2021 Thana- MAHILA P.S. District- Rohtas

1. Kirti Gupta @ Anu W/o Nitendra Kumar , D/o Anant Lal Gupta, Resident of Village - Ram Sarowar Dumduma Bahmandeva Chunar Cement Factory, P.s.- Chunar, Distt.- Mirzapur (U.P.) At Present - Police Line, S.I. Niwas, Police Hospital ke pichhe, P.O.- Fatehpur, P.S.- Fatehpur, Distt.- Fatehpur (U.P.).
2. Nitendra Kumar, Son of Rajendra Prasad, Resident of Village - Ram Sarowar Dumduma Bahmandeva Chunar Cement Factory, P.S.- Chunar, Distt.- Mirzapur (U.P.) At Present - Police Line, S.I. Niwas, Police Hospital ke pichhe, P.O.- Fatehpur, P.S.- Fatehpur, Distt.- Fatehpur (U.P.).
3. NIDHI GUPTA @ NEHA W/o Gourav Kumar , D/o Anant Lal Gupta, Resident of Village - Ram Sarowar Dumduma Bahmandeva Chunar Cement Factory, P.S.- Chunar, Distt.- Mirzapur (U.P.) At Present - Muhalla - Choubeypur Malow, P.o. and P.s.- Choubeypur, Distt.- Kanpur (U.P.)

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal secretary, Deptt. of Home, Govt. of Bihar, Patna. Bihar
2. The Director General of Police , Bihar, Patna. Bihar
3. The Inspector General of Police, Bihar, Patna. Bihar
4. The Deputy Inspector General of Police, Shahabad Range, Dehri On Sone. Bihar
5. The Superintendent of Police, Rohtas at Sasaram Bihar
6. The Deputy Superintendent of Police, Rohtas at Sasaram. Bihar
7. The S.H.O., Mahila P.S., Rohtas at Sasaram. Bihar
8. The Investigating Officer, Mahila P.S. Caase No.93/2021 Dated 19.12.2021, Rohtas at Sasaram. Bihar
9. Soni Kumari D/o Awadh Bihari Prasad , W/o Mukul Anand, Resident of Village - Nokha, P.O.- Nokha, P.S.- Nokha, Distt.- Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ramashray Roy, Advocate
		Mr. Rang Nath Dwiwedi, Advocate
For the Respondent/s	:	Mr. Suman Kumar Jha, AC to AAG 3
For the Private Respondent :		Mr. Rajani Ranjan Pd. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 16-01-2025

This is no longer *res integra* that an omnibus



allegation in respect of cruelty to a married woman against the matrimonial relations cannot be accepted as proper FIR permitting the police authority to investigate into the case.

2. By filing the instant writ petition, the petitioners, three in number, have prayed for quashment of FIR in connection with Mahila P.S. Case No. 93 of 2021 dated 19th December 2021 for the offences punishable under Section 341/323/379/354/498A/504/34 of the IPC and Sections 3 and 4 of the D.P. Act. The petitioners no. 1 and 2 are the sister-in-law of the informant and petitioner no. 2 is the husband of petitioner no. 1.

3. It is not in dispute that all the petitioners reside in Uttar Pradesh and they are employed in the Police Department in Uttar Pradesh. The FIR discloses an allegation against the petitioner no. 3 and petitioner no. 2 that they on the next date of marriage twisted the hand of the informant on the ground that the dowry articles were not upto the mark and the father of the informant did not give a car to the husband of the informant. It is also alleged that petitioner no. 1 abused the father of the informant over telephone regarding the quality of dowry articles.



4. The learned Advocate appearing on behalf of the petitioners takes me to the relevant annexure to show that the petitioner no. 1 was in advance stage of pregnancy and she gave birth to a child just three days after the marriage of the informant with her brother. Therefore, it was not possible for petitioners no. 1 and 2 to be present in the said marriage. Further, it is also submitted by the learned Advocate for the petitioner that the allegation against petitioner no. 3 is also not true because of the fact that on the very next day of marriage it was not possible for the sister-in-law of the informant to assault her over the quality of dowry articles.

5. The State has filed a counter-affidavit on perusal of which this Court does not find any specific allegation against the petitioners with regard to the allegation of cruelty against the informant. Respondent No. 9/informant also filed a counter-affidavit. I also do not find any specific allegation in support of the FIR in the counter-affidavit filed by the complainant. Since the FIR contains omnibus allegation against the petitioners, thus, the criminal case cannot continue.

6. Accordingly, the FIR in connection with Mahila



P.S. Case No. 93 of 2021 dated 19th December 2021 be
quashed against petitioners no. 1, 2 and 3.

7. The instant writ petition is allowed.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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