

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16947 of 2018

Arising Out of PS. Case No.-732 Year-2010 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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1. Arti Kumari @ Arti Sinha and Anr Wife of Anupam Kumar @ Anupam Kumar Sinha.
 2. Anupam Kumar @ Anupam Kumar Sinha. Son of Late Sita Prasad @ Late Sita Singh, Both resident of Village- Jalalpur, P.S. Chandi, District- Nalanda.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Gitanjali daughter of Suresh chandra Sinha, resident of Mohalla- Mathuria, P.S. Laheri Biharsharif, District- Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Chandra, Advocate
For the State	:	Mr. Shyam Kumar Singh, APP
For the O.P. No.2	:	Mr. Navendu Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 01-07-2025 Heard learned counsel for the parties.

2. The present application has been filed for quashing of order dated 08.11.2017 passed in Complaint Case No.732C/2010 by which learned S.D.J.M., Nalanda at Biharsharif has dismissed the discharge petition filed by the petitioners for an offence under Section 498A, 323, 504, 379 of the I.P.C. and Section 3/4 of the Dowry Prohibition Act.

3. As per the prosecution case, the petitioners along with other co-accused persons are said to have tortured the complaint and ousted her from her matrimonial home, due to non-fulfillment of dowry demand.



4. Learned counsel for the petitioner submits that the petitioner no.1 is *fuferi* sisters-in-law of the complainant's husband and petitioner no.2 is *fufera* brother-in-law of the complainant's husband.

5. Learned counsel for the State as well as learned counsel for the Opposite party no.2 have opposed this application.

6. I have considered the submissions of the parties and perused the materials on record. From a bare perusal of the materials available on record, it appears that there is general and omnibus allegations levelled against the petitioners. Moreover, the petitioners is not directly related with the accused persons.

7. The Hon'ble Supreme Court in the cases of ***Preeti Gupta vs. State of Jharkhand*** reported as (2010) 7 SCC 667; ***Kahkashan Kausar vs. State of Bihar*** reported as (2022) 6 SCC 599 and ***Achin Gupta vs. State of Haryana*** reported as 2024 SCC OnLine SC 759 has deprecated the practice of falsely implicating the persons who are junior members, distant relatives and outsiders of the family of the husband of the complainant/informant. The present case is such a case where the petitioners are not closely related to the family of the husband of the opposite party no.2 (complainant). From reading



of the F.I.R. and the other materials available on record, it appears that the present F.I.R. has maliciously been instituted with an ulterior motive for wreaking vengeance on the petitioners due to private and personal grudge. Moreover, it appears that in the present case the complainant has made all the family members of her husband including the petitioners who are not the close relative of the husband of the complainant as accused with an ulterior motive to spite them due to private and personal grudge. This tendency of making all the family members of the husband of the complainant/informant has been deprecated by the Hon'ble Supreme Court in a number of judgments.

8. Considering the law laid down by the Hon'ble Supreme Court in the aforesaid cases and also considering the facts that petitioners are not directly related to the family of the husband of the complainant and the present F.I.R. has maliciously been instituted with an ulterior motive for wreaking vengeance on the petitioners due to private and personal grudge, I am of the opinion that the continuation of proceeding against the petitioners would be an abuse of process of the Court.

9. In view of the aforesaid, this application is allowed. Accordingly, the Complaint Case No.732C of 2010 and all



consequential proceedings arising out of the aforesaid Complaint Case including the order dated 08.11.2017 passed by learned S.D.J.M., Nalanda, Bihar Sharif, are hereby quashed with respect to present petitioners only.

10. The Trial Court is directed to proceed against the other co-accused persons i.e. the husband and others and conclude the trial at the earliest, preferably, within six months and submit a compliance report to this Court.

11. Let a copy of this order be communicated to the Principal District and Sessions Judge, Nalanda, through FAX for its compliance forthwith.

(Sandeep Kumar, J)

anand/-

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