

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48221 of 2022

Arising Out of PS. Case No.-84 Year-2019 Thana- MAHILA P.S. District- Patna

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Pramod Kumar Sharma @ Pramod Sharma S/O- Late Mathura Prasad Sharma
R/O- Chatiya, P.O.- Chatiya, P.S. Malahi, District - Motihari (East
Champaran).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Niharika W/o- Avinash Anand, D/o- Suresh Kumar Singh R/o - Village and
P.O.- Maner (Sherpur), P.S.- Maner, District - Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Shukla, Advocate
	:	Mr. Pankaj Kumar Sinha, Advocate
For the State	:	Mr. Kumar Veerendra Narayan
For the O.P. No.2	:	Mr. P.N. Shahi, Sr. Advocate
	:	Mr. Amit Anand, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 08-07-2025 Heard the learned counsel for the petitioner, the

learned counsel for the State and learned senior counsel for the

opposite party no.2.

2. This application has been filed for quashing of the
impugned order dated 16.07.2021 passed by the J.M.F.C.-1st
Class, Patna in Mahila P.S. Case No.84 of 2019 vide G.R.
No.6569 of 2019 by which cognizance was taken for the
offences punishable under Sections 498A, 337, 324, 504/34 of
the Indian Penal Code and Section 3/4 of the Dowry Prohibition
Act, against the petitioner.

3. As per the prosecution case, the petitioner is



accused of torturing the opposite party no.2 for demand of dowry. It is alleged that due to nonfulfillment of demand of dowry, all the accused persons assaulted the opposite party no.2 and ousted her from matrimonial home after snatching all her belongings.

4. The petitioner is cousin father-in-law of the opposite party no.2. There is general and omnibus allegations against the petitioner. The petitioner has falsely been implicated in this case.

5. Learned APP for the State has opposed the prayer of the petitioner.

6. 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.

7. Considering the fact that the petitioner is the member of the family and is not directly involved in the demand of dowry, this application is allowed with respect to this



petitioner.

8. Accordingly, impugned order dated 16.07.2021 passed by the J.M.F.C.-1st Class, Patna in Mahila P.S. Case No.84 of 2019 vide G.R. No.6569 of 2019, is hereby quashed against this petitioner.

(Sandeep Kumar, J)

anand/-

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