

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1729 of 2019

Arising Out of PS. Case No.-37 Year-2018 Thana- MAHILA P.S. District- Bhojpur

1. Dwarika Prasad and Ors Late Kailash Prasad Resident of mohalla- Jaso Road, Vishnupuri Golambar, Buxar, P.S- Buxar Dist- Buxar.
2. Shanti Devi Dwarika Prasad Resident of mohalla- Jaso Road, Vishnupuri Golambar, Buxar, P.S- Buxar Dist- Buxar.
3. Raju Kumar @ Raju Keshari Dwarika Prasad Resident of mohalla- Jaso Road, Vishnupuri Golambar, Buxar, P.S- Buxar Dist- Buxar.
4. Pratima Devi Raju kesri Resident of mohalla- Jaso Road, Vishnupuri Golambar, Buxar, P.S- Buxar Dist- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Anshu Kumari D/O Ashok Kumar Keshri R/O Mohalla-Sadar Bazar Chowk, Jagdishpur, District-Bhojpur

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 6065 of 2019

Arising Out of PS. Case No.-37 Year-2018 Thana- MAHILA P.S. District- Bhojpur

Rakesh Kumar Dwarika Prasad Resident of Mohalla- Jaso Road, Vishnupuri, Golambar, Police Station- Buxar, District- Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Anshu Kumari D/O Ashok Kr.Keshri Sadar Bazar Chowk, Jagdishpur, District-Bhojpur, At Present- Anshu Kumari, W/O Rakesh Kumar, C/O Ramji Prasad Gupta, Village and P.O. Kotwa Bazar, Near Baroda, U.P Gramin Bank, Kotwa Narayanpur, Balia (U.P)-277501

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 1729 of 2019)

For the Petitioner/s : Mr. Nil Kamal

For the Opposite Party/s : Mr.Sri Binod Kumar 3

(In CRIMINAL MISCELLANEOUS No. 6065 of 2019)

For the Petitioner/s : Mr. Nil Kamal

For the Opposite Party/s : Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR



ORAL ORDER

8 17-03-2025

Ref:- Cr. Misc. No. 1729 of 2019

This is an application for quashing of the impugned order dated 25.08.2018 passed by the learned Sub-Divisional Judicial Magistrate, Civil Court, Bhojpur at Ara in Mahila P.S. Case No. 37 of 2018 by which cognizance has been taken under Sections 341, 323, 379, 498A/34 of the IPC.

2. Learned counsel for the petitioners prays for withdrawing the application filed on behalf of petitioner no. 01 (father-in-law) and petitioner no. 02 (mother-in-law).

3. Permission is accorded.

4. Accordingly, the present application filed on behalf of petitioner no. 01 and petitioner no. 02 is dismissed as withdrawn with liberty to raise all the grounds at the stage of framing of charge.

5. As per the prosecution case, due to non-fulfillment of demand of dowry, the accused persons tortured the informant.

6. So far as petitioner nos. 03 and 04 are concerned, it has been submitted by the learned counsel for the petitioners that the petitioner no. 03 is brother-in-law (*Bhaisur*) and petitioner no. 04 is sister-in-law (*Jethani*) of the informant and there is general and omnibus allegation against the them.

7. Learned APP for the State and learned counsel for



the opposite party no. 2 have opposed the prayer of the petitioner.

8. 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 the petitioner no. 03 and petitioner no. 04 are members of the family and are not directly involved in the demand of dowry, this application is partly allowed with respect to the petitioner no. 03 and petitioner no. 04.

11. Accordingly, the impugned order dated 25.08.2018 passed by the learned Sub-Divisional Judicial Magistrate, Civil Court, Ara is hereby quashed only against the petitioner no. 03 and petitioner no. 04.

Ref:- Cr. Misc. no. 6065 of 2019

12. Heard the parties.

13. Learned counsel for the petitioner prays for



withdrawing the present application.

14. Permission is accorded.

15. Accordingly, this application is dismissed as withdrawn with liberty to the petitioner to raise all the grounds at the stage of framing of charge.

(Sandeep Kumar, J)

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