IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49685 of 2018

CNR No. BRHC010249792018

Arising Out of PS. Case No.-1217 Year-2017 Thana- KATIHAR COMPLAINT CASE District- Katihar

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1. Krishna Murari Kumar S/o Late Damodar Prasad Yadav,
2. Shivdhani Yadav S/o Late Baldeo Yadav, Both R/o Vill.- Heeratola, P.S.- Sahebpur Kamal, District- Begusarai.

... ... Petitioner/s

Versus

1. State Of Bihar
2. Archana Kumari W/o Krishna Murari Kumar D/o Late Sudhir Yadav, R/o Vill.- Heeratola, P.S.- Sahebpur Kamal District- Begusarai, At present residing at Bari Nagar, Thakurbari Tola, P.S.- Barari, District- Katihar.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Nakul Kumar Jamuar
For the Opposite Party/s : Mr.Sri Kumar Ranjit Ranjan

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

4 27-10-2026 Heard the learned counsel for the petitioner and learned counsel for the State.

2. This application has been filed on behalf of the petitioners for quashing the order dated 03.11.2017 passed by the Sub-Divisional Judicial Magistrate, Katihar in C.A. No. 1217 of 2017.

3. Learned counsel for the petitioners seek permission to withdraw the application of petitioner no.1.

4. Permission is accorded.

5. Accordingly, the application filed on behalf of the

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petitioner no.1 stands dismissed as withdrawn.

6. So far as petitioner no. 2 is concerned, he is the cousin of the complainant's husband and there is general and omnibus allegation against him.

7. Learned APP for the State has opposed the prayer of the petitioners and has supported the impugned order.

8. The Hon'ble Supreme Court in the case of ***Preeti Gupta & Anr. Vs. State of Jharkhand & Anr reported in (2010) 7 SCC 667***, 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 of the complainant in a matrimonial dispute.

9. Considering the fact that the petitioner no. 2 is the cousin brother of the complainant's husband and is not directly involved in the demand of dowry, this application is allowed with regard to them.

10. Accordingly, the order dated 03.11.2017 passed by the Sub-Divisional Judicial Magistrate, Katihar in C.A. No. 1217 of 2017 and consequential proceeding with regard to the same, so far as the petitioner no.2 is concerned, is hereby

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quashed.

11. The trial of other accused is directed to be concluded within six months from the date of communication of this order and a compliance report be filed. It is made clear that the trial should proceed even if the opposite party no. 02 does not co-operate in the same.

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

(Sandeep Kumar, J)

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