

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3374 of 2017

Arising Out of PS. Case No.-488 Year-2015 Thana- MUNGER COMPLAINT CASE
District- Munger

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1. Prabhakar Swami S/o Puttu Lal Swami.
 2. Babbli Swami @ Sarita Swami, W/o Prabhakar Swami, Both resident of House No. 1 Sarda Nagar, Patan Road, Karmeta, P.S. Maro Taal, P.O. Gumti, District- Jabalpur Madhya Pradesh.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Ratanpriya Swami, W/o Manish Swami, D/o Ajay Kumar Swami, R/o Mohalla- Purab Sarai Phadi, P.S.- Kotwali, P.O District- Munger.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Sinha
For the Opposite Party/s : Mr.Sri Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

9 13-01-2026 Heard the parties.

2. This application has been filed on behalf of the petitioners for setting aside/quashing the order of cognizance dated 9.6.2016 passed in Complaint Case No. 488C of 2015 passed by the learned SDJM, Munger.

3. As per the prosecution case, the petitioners along with other co-accused persons are said to have tortured and ousted the opposite party no.2 from her matrimonial home over non-fulfillment of dowry.

4. Learned counsel for the petitioner submits that petitioner no. 1 is the brother-in-law (*Bahisur*) of the



complainant and petitioner no. 02 is the wife of petitioner no. 1 and there is general and omnibus allegation against them.

5. Learned counsel for the petitioners next submits that the learned Magistrate has passed the impugned order of cognizance without application of mind and has taken cognizance against all the accused persons including the petitioners. He further submits that the petitioners have never demanded dowry or assaulted the opposite party no.2 and the allegations made against them are false.

6. Learned counsel for the State has opposed the prayer of the petitioners.

7. 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 in a matrimonial dispute.

8. Considering the fact that the petitioners are the family members of the husband of the complainant and they are not directly involved in the demand of dowry, this application is



allowed.

9. Accordingly, the order of cognizance dated 9.6.2016 passed in Complaint Case No. 488C of 2015 by the learned SDJM, Munger, is hereby quashed with regard to the petitioners only.

10. The proceedings with regard to other co-accused persons shall continue.

(Sandeep Kumar, J)

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