

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35774 of 2021

Arising Out of PS. Case No.-21 Year-2020 Thana- MAHILA P.S. District- Bhagalpur

1. Sajjan Pandey @ Vishnu Pandey @ Vishnu Kumar Pandey Son Of Late Ganesh Prasad Pandey Resident Of Mohalla- Laluchak Angari, Police Station- Lodipur, District- Bhagalpur.
2. Nisha Pandey Wife Of Sajjan Pandey @ Vishnu Pandey Resident Of Mohalla- Laluchak Angari, Police Station- Lodipur, District- Bhagalpur.
3. Vimla Pandey Wife Of Late Ganesh Prasad Pandey Resident Of Mohalla- Laluchak Angari, Police Station- Lodipur, District- Bhagalpur.
4. Vishwajit Kumar Dhavak Son Of Ganesh Prasad Pandey Resident Of Shiv Sai Nagar, Road No.1, Dela Toli, Kokar, P.O.- Bariyatu, P.S.- Sadar, District- Ranchi.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Anupam Dhavak Wife Of Vishwajit Kumar Dhavak, Daughter Of Digambar Pandey Resident Of Chatrapati Talab, Shitla Asthan, Mirjanhat, P.S.- Mojahidpur, District- Bhagalpur, Bihar, Pin- 812001.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

8 03-02-2026 Heard the learned counsel for the petitioner and the learned counsel for the State. Despite valid service of notice, none has appeared on behalf of the O.P. No. 2.

2. This application has been filed on behalf of the petitioners to quash the order dated 06.01.2021 passed in Mahila P.S. Case No. 21 of 2020 by the learned Additional Chief Judicial Magistrate-II, Bhagalpur, whereby cognizance was taken for the offences under Sections 323, 341, 498A, 504,



506/34 of the IPC, and Section 3/4 of the Dowry Prohibition Act against the petitioners.

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 dowry demand.

4. At the very outset, learned counsel for the petitioners prays for and is permitted to withdraw this application filed on behalf of petitioner no. 4 with liberty to raise the grounds at an appropriate stage.

5. Accordingly, the application filed on behalf of the petitioner no. 4 is dismissed as withdrawn with the aforesaid liberty. If such an application is filed, the same shall be considered by the Court below and a reasoned order shall be passed in accordance with law and in view of the law laid down by the Hon'ble Supreme Court in the case of ***Kanchan Kumar Vs. The State of Bihar*** reported in ***(2022) 9 SCC 577***.

6. The learned counsel for the petitioners has submitted that so far as petitioner nos. 1, 2 and 3 are concerned, there is no specific allegation against them. He further submits that the petitioners never demanded dowry and the allegations levelled against the petitioners are false.



7. Learned counsel for the petitioners further submits that the Court below passed the impugned order of cognizance without application of mind and took the cognizance against all the accused persons including the petitioners. He further submits that there are general and omnibus allegations against the petitioner no. 1 to 3.

8. Learned counsel for the State as well as learned counsel for the opposite party no.2 have opposed the prayer.

9. 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.

11. Considering the aforesaid facts and the fact that the petitioner nos. 1 to 3 are not directly involved in the demand of dowry and there is general and omnibus allegation against them, this application is allowed with respect to them.

12. Accordingly, this application is partly allowed and the order dated 06.01.2021 passed in Mahila P.S. Case No. 21 of



2020 by the learned Additional Chief Judicial Magistrate-II, Bhagalpur and all consequential proceedings arising out of the aforesaid FIR are hereby quashed against the petitioner nos. 1 to 3.

13. The proceedings with regard to petitioner no. 4 shall continue.

14. Let a copy of this order be communicated to the Principal District & Sessions Judge, Bhagalpur through FAX for its compliance forthwith.

(Sandeep Kumar, J)

Shishir/-

U		T	
---	--	---	--

