IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9945 of 2018

CNR No. BRHC011071282018

Arising Out of PS. Case No.-1009 Year-2013 Thana- KATIHAR COMPLAINT CASE District- Katihar

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1. Nawal Kishore Ram Son of Chhotelal Ram,
2. Uma Devi, Wife of Nawal Kishore Ram,
3. Raj Kishore, Son of Nawal Kishore Ram, All resident of Mohalla- Raisar, Nitbag, P.O. Munger, P.S. Munger Kotwali, District- Munger.

... ... Petitioner/s

Versus

1. State Of Bihar
2. Kiran Devi, Wife of Late Bimal Kishore Ram, Resident of Mohalla- Larkania Tola, Ward No. 19, P.O. and P.S.- Katihar, District- Katihar.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Ajit Kumar Singh
For the Opposite Party/s : Mr. Jharkhandi Upadhyay
For the O.P. No. 02 : Mr. Bhola Prasad.

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

14 27-10-2026 Heard the parties.

2. This application has been filed on behalf of the petitioners for quashing the order dated 06.06.2017 passed by the learned Chief Judicial Magistrate, Katihar in C.A. No. 1009 of 2013.

3. Learned counsel for the petitioners seek permission to withdraw the application of petitioner no.1 as he has already died.

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petitioner no.1 stands dismissed as withdrawn.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 and 3 are concerned, they are the sister-in-law (Bhaujai) and nephew respectively of the complainant's husband and there is general and omnibus allegation against them.

7. Learned APP for the State and the learned counsel for the opposite party no. 02 have opposed the prayer of the petitioners and have 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 and 3 are the sister-in-law (*Bhaujai*) and nephew of the complainant and are not directly involved in the demand of dowry, this application is allowed with regard to them.

10. Accordingly, the order dated 06.06.2017 passed by the learned Chief Judicial Magistrate, Katihar in C.A. No. 1009

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of 2013 and consequential proceeding with regard to the same, so far as the petitioner no.2 and 3 are concerned, is hereby quashed.

11. The trial of other accused, if any, is directed to be concluded within six months from the date of communication of this order and a compliance report be filed.

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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