

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7843 of 2019

Arising Out of PS. Case No.-3081 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Brijraj Ojha and Ors Son of Janardan Ojha Resident of Village and Post office- Deokuli
 2. Sarswati Devi Wife of Brijraj Ojha Resident of Village and Post office- Deokuli
 3. Rajendra Kumar Ojha Son of Brijraj Ojha Resident of Village and Post office- Deokuli
 4. Ritu Ojha Wife of Rajendra Kumar Ojha Resident of Village and Post office- Deokuli

... .. Petitioner/s

Versus

1. The State of Bihar
2. Garima Anand Wife of Shailendra kumar Ojha Resident of Village and Post office- Deokuli

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dhanesh Shankar Vidyarthi, Advocate
For the State	:	Mr.Ajay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 19-01-2026 Heard the parties.

2. The present application has been filed on behalf of the petitioners for quashing the order dated 11.04.2017 passed by the learned Sub-Divisional Judicial Magistrate, Patna in Complaint Case No. 3081(C) of 2016 by which learned Court below has taken cognizance under Section 498(A) of the Indian Penal Code and Section 4 of the Dowry Prohibition Act against the petitioners.

3. After some argument, learned counsel for the



petitioners is permitted to withdraw the application filed on behalf of petitioner nos. 1 and 2 to raise all the grounds at the stage of framing of charge.

4. If an application is filed before the court concerned, then the learned Court will pass a reasoned order in accordance with law in light of the law laid down by the Hon'ble Supreme Court in the case of **Kanchan Kumar Vs. State of Bihar** reported in **(2022) 9 SCC 577**.

5. The present application is now restricted to petitioner nos. 3 and 4 only.

6. Learned counsel for the petitioners submits that so far as petitioners no. 3 and 4 are concerned, they are brother and sister-in-law of the husband of the complainant and there is general and omnibus allegation against them.

7. 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 nos. 3 and 4. He further submits that the petitioners no. 3 and 4 have never demanded dowry or assaulted the opposite party no.2 and the allegations made against them are false.



8. Learned counsel for the State has opposed the prayer of the petitioner nos. 3 and 4.

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.

10. Considering the fact that the petitioner nos. 3 and 4 are the member of the family of the husband of the complainant and they are not directly involved in the demand of dowry and therefore, this application is allowed with respect to the petitioner nos. 3 and 4 only.

11. Accordingly, the order of cognizance dated 11.04.2017 passed by the learned Sub-Divisional Judicial Magistrate, Patna in Complaint Case No. 3081(C) of 2016, is hereby quashed with regard to the petitioner nos. 3 and 4 only.

12. The proceedings with regard to other co-accused persons shall continue including the petitioner nos. 1 and 2.

13. Let a copy of this order be communicated to the



Principal District and Sessions Judge, Patna for its compliance
through FAX or e-mail forthwith.

(Sandeep Kumar, J)

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