

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33530 of 2018

Arising Out of PS. Case No.-741 Year-2017 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

... .. Petitioner

Versus

1. State of Bihar

2.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Prashant Kumar, Advocate Mr. Animesh Kumar, Advocate
For the Opposite Party-State:		Mr. Awadhesh Kumar Singh, APP
For Opposite Party No.2 :		Mr. Suresh Prasad Bhakta, Advocate Mr. Rameshwar Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL JUDGMENT

Date : 04-08-2026

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State as well as learned counsel for opposite party No.2.

2. The petitioner has filed this application seeking quashing of the impugned order dated 19.09.2017 passed by the learned Additional Chief Judicial Magistrate-XVI, Gopalganj, in Trial No.2356 of 2017/1812 of 2018 arising out of the Complaint Case No.741 of 2017, whereby cognizance has been taken against the petitioner for the offences punishable under Section 498A of the Indian Penal Code (IPC).



3. As per the prosecution case, the marriage between the complainant and the petitioner was solemnized on 11.05.2016 according to Hindu rites and customs. The complainant's father allegedly gave ₹ 5,50,000 in cash, a motorcycle and a gold chain as gifts/dowry. Following her *gawna*, when she arrived at her matrimonial house on 15.02.2017, it is alleged that on the very first day, the petitioner informed her that he was already married and told her that she could either live under those circumstances or was free to return to her parents. It is further alleged that her in-laws subsequently denied her food and water, subjected her to ongoing torture and forcefully ousted her from her matrimonial house on 26.02.2017, after retaining her entire *stridhan*. It is further alleged that the accused persons spread false rumors to her parents that she had died. This led her parents to mistakenly identify a decomposed, unidentified female corpse found by the Pachrukhi Police, for which Pachrukhi P.S. Case No. 33/2017 came to be lodged.

4. Learned counsel for the petitioner has submitted that the present prosecution has been maliciously lodged against the petitioner and the allegations against the petitioner are false. It has further been submitted that the marriage lasted for barely ten days, as, according to the complainant herself, she



stayed in her matrimonial home for ten days and voluntarily abandoned the house on 25.02.2017 without any coercion and reached Mumbai via Gopalganj. It has further been submitted that the complainant's family deliberately and maliciously identified a random, stray dead body of a female as that of to fabricate a murder/dowry-death case against the petitioner and his family members. It has further been submitted that later when the police received an intelligence input that the complainant was alive and that her family members were trying to secretly take her back to Mumbai, she was apprehended and taken into custody and her statement was recorded under Section 164 Cr.P.C., where she has admitted that she was alive and had run away to Mumbai voluntarily. It has further been submitted that the present complaint against the petitioner is purely an afterthought and a malicious counter-blast, designed to harass the petitioner and his family members to frame them in the case of murder of the complainant. It has further been submitted that the complainant has misused the penal provisions so as to falsely implicate the petitioner to spite personal score with malicious and vexatious intent. It has further been submitted that conspiracy was hatched to get the complainant declared as dead officially by her own immediate family members to implicate the petitioner and his



family members in a grave criminal investigating and prosecution. It has further been submitted that there is no substantive or sustainable allegation against the petitioner regarding the actual demand of dowry within evidentiary framework of the offence under Section 498A IPC. Learned counsel for the petitioner, referring to the judgment of the Hon'ble Supreme Court, in the case of ***Preeti Gupta v. State of Jharkhand***, reported in (2010) 7 SCC 667, has submitted that the Hon'ble Supreme Court in the said case has categorically expressed grave concern over the growing tendency to implicate the husbands and relatives taking recourse to offence under Section 498A IPC by exaggerated narrations of matrimonial disputes. It has lastly been submitted that continuance of the present prosecution against the petitioner would be an abuse of process of the Court and has prayed that the impugned cognizance order is liable to be quashed.

5. Learned Additional Public Prosecutor for the State as well as learned counsel for the opposite party No.2 has vehemently opposed the prayer of the petitioners. Learned counsel for the opposite party No.2 has submitted that the learned court below has rightly taken cognizance on the basis of *prima facie* material available against the petitioner and no interference is warranted by this Court.



6. Heard learned counsel for the parties and perused the records.

7. Considering the entire facts and circumstances of the case and taking into account the materials against the petitioner and the judicial pronouncements on the issue in totality, the impugned order taking cognizance against the petitioner for the offence punishable under Section 498A IPC, dated 19.09.2017, passed by the learned Additional Chief Judicial Magistrate-XVI, Gopalganj, in Trial No.2356 of 2017/1812 of 2018 arising out of the Complaint Case No.741 of 2017, is hereby quashed.

8. This application accordingly stands allowed.

(Praveen Kumar, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	N/A
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