

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 3100 of 2023

1. Priti Agrawal, aged about 42 years, Daughter of Om Prakash Agrawal, Resident of - Munaka Bagicha, Near K.D. Children Academy, P.O. & P.S. Hazaribag, District Hazaribag, State Jharkhand.
2. Divya Rani, aged about 25 years, Daughter of Shatrudhan Prasad Agrawal, Resident of Sherghati, Gola Bazar, P.O. & P.S.- Sherghati, District - Gaya, State - Bihar.
3. Rajendra Prasad Agrawal, aged about 78 years, Son of Late Harihar Prasad Agrawal, Resident of - Kund Mohalla, Hanuman Oil Mill, P.O. & P.S.- Daltanganj, District -Palamu, State - Jharkhand.

..... Petitioners

Versus

1. The State of Jharkhand
2. Namrata Agrawal, Wife of Deepak Prashant Agrawal, Daughter of Late Umesh Prasad Agrawal, R/o-Kunal Electronics, Upper Bazar, Rana Chowk, P.O., P.S & District - Lohardaga, State - Jharkhand.

..... Opposite Parties

For the Petitioners	: Mr. Atul Kumar, Adv.
For the State	: Ms. Nehala Sharmin, Spl. PP
For the Opp. Party no. 2	: Mr. Anup Kr. Agrawal, Adv.

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:- Heard the parties.

2. This criminal miscellaneous petition has been filed invoking the jurisdiction of this Court under Section 482 of CrPC with the prayer for quashing and setting aside the entire criminal proceeding as well as the order taking cognizance dated 28.03.2023 and the order framing charge dated 07.09.2024 passed by learned CJM, Lohardaga in connection with Lohardaga Mahila P.S. case no. 43 of 2022 corresponding to G.R. No. 173 of 2023 involving the offences punishable under Sections 341, 323, 498A, 504, 506, 34 of IPC and Section 4 of the D.P.Act.

3. The allegation against the petitioners is that the petitioners from 08.05.2021 to till date of filing of the FIR, in furtherance of their common intention, voluntarily caused hurt to the informant and also wrongfully restrained her in the matrimonial house of the informant. There is further allegation against the petitioners that they subjected the informant to cruelty, both physically and mentally, by assaulting her and abusing her, because of non-fulfillment of the dowry demand of Rs. 10,00,000/-. There is further allegation against the petitioners that the petitioners in furtherance of their common intention, intentionally insulted the informant and thereby gave provocation to the informant intending thereby that the provocation would cause her to break public peace and to commit other offences. There is also allegation against the petitioners that the petitioners in furtherance of their common intention, committed criminal intimidation by threatening the informant to cause injury to her with an intent to cause alarm to her and lastly, there is also allegation against the petitioners that the petitioners demanded dowry of a car, cash of Rs. 10,00,000/- from the informant. On the basis of the written report submitted by the informant, the police registered Lohardaga Mahila P.S. case no. 43 of 2022 and took up investigation of the case. After finding the allegation against the petitioners to be true, the police submitted charge sheet against the petitioners for having committed the offence punishable under Sections 498A, 504, 506, 34 of IPC and Section 4 of the D.P.Act. Learned Magistrate took cognizance of the offence punishable under Sections 341, 323, 498A, 504, 506, 34 of IPC and Section 4 of the D.P.Act. Subsequently, vide order dated 07.09.2024, learned CJM, Lohardaga also framed the charges for the said offence against the petitioners along with the husband of the informant namely Deepak Prashant Agrawal and during trial, three witnesses including the informant have been examined but for the reasons best known to the petitioners, the petitioners have

withheld the depositions of the witnesses examined during the trial, from this Court by not filing the certified copies of the same.

4. Learned counsel for the petitioners relied upon the judgment of the Hon'ble Supreme Court of India in the case of **Kahkashan Kausar @ Sonam and others v. State of Bihar and Others** reported in (2022) 6 SCC 599 and submits that in para 18 thereof, it has been observed by the Hon'ble Supreme Court of India that when the allegation against the accused persons of the case are general and omnibus in nature and at best can be said to have been made on account of small skirmishes, the entire criminal proceeding can be quashed against the accused persons.
5. Learned counsel for the petitioners next relied upon the judgment of the Hon'ble Supreme Court of India in the case **K.Subba Rao and Others vs. State of Telangana represented by its Secretary, Department of Home and Others** reported in (2018) 14 SCC 452 and submits that therein in para 6, it has been mentioned that the Courts should be careful in proceeding against the distant relatives in crimes pertaining to matrimonial disputes and dowry deaths.
6. Learned counsel for the petitioners next relied upon the judgment of the Hon'ble Supreme Court of India in the case of **Preeti Gupta and Another vs. State of Jharkhand and Another** reported in (2010) 7 SCC 667 and submits that in para 32 thereof, the Hon'ble Supreme Court of India took note that large number of complaints under Section 498A of IPC are being filed with oblique motive and also took note of rapid increase in the number of genuine cases of dowry harassment and expressed serious concern.
7. Learned counsel for the petitioners lastly relied upon the judgment of this court in the case of **Keshav Kumbhakar vs. State of Jharkhand and Another** reported in 2023 SCC OnLine Jhar 3464 and submits that in the facts of that case, where there was no specific allegation against the petitioners of that case, having committed any particular act on any particular occasion and the allegations were general and omnibus in nature, this Court held

that the same do not warrant any prosecution against the petitioner and quashed and the said case.

8. It is next submitted by learned counsel for the petitioners that in this case, the petitioner no. 1 is a distant relative, the petitioner no. 3 is an old person of 70-80 years of age and the allegation against them are general and omnibus in nature, hence, it is submitted that the prayer as made in this criminal miscellaneous petition be allowed.
9. Learned Spl. PP and learned counsel for the Opp. Party no. 2, on the other hand vehemently oppose the prayer of the petitioners and submits that there is direct and specific allegation against the petitioner no. 1 for having the motive for perpetrating harassment for the informant failing to meet the demand of dowry, as she being in illicit relationship with the husband of the informant, is instrumental in elimination of the informant from her matrimonial house to have free and unhindered access to the husband of the informant, even though, she is a relative of the husband of the informant and this is the additional reason, why the petitioner no. 1 treated the informant with cruelty in connection with non-fulfilment demand of dowry. It is then submitted that, unlike the cases of the judgments, which have been relied upon by the petitioners, the petitioner no. 1 cannot be treated as an ordinary distant relative. It is next submitted that there is direct and specific allegation against the petitioners of demanding dowry of Rs. 10,00,000/- and harassing the informant, both mentally and physically by assaulting and driving her out of her matrimonial house when she was pregnant and even though, the informant gave birth to a male child, the petitioners never even went to see the child. It is next submitted that the witnesses have supported the case of prosecution during the investigation of the case; as also the witnesses examined during the trial in this case have categorically stated about the offences committed by each of the petitioners and in view of the overwhelming evidence in the record, it will not be proper to quash the entire criminal

proceeding against the petitioners; when the trial is at an advance stage. It is lastly submitted that this Criminal Miscellaneous Petition being without any merit, be dismissed.

10. Having heard the submissions made at the Bar and after going through materials available in the record, this Court finds that there is direct and specific allegation against the petitioners of treating the informant with cruelty in connection with demand of dowry of Rs.10,00,000/- car, jewelry and harassing the informant with a view to coerce her and the persons related to her to meet the unlawful demand of dowry. There is direct and specific allegation against the petitioners, that the petitioners in furtherance of their common intention with the co-accused of causing hurt and wrongfully restraining the informant. There are also direct and specific allegations against the petitioners of intentionally insulting the informant to provoke her to commit breach of peace and criminally intimidating her and the allegations were found to be true during the investigation of the case and the undisputed fact remains that three witnesses so far as examined by the prosecution during the trial and they have also supported the case of the prosecution.
11. Under such circumstances, when the trial is at an advanced stage and there is direct and specific allegation against the petitioners, this Court is of the considered view that this is not a fit case, where the entire criminal proceeding as well as the order taking cognizance dated 28.03.2023 and the order framing charge dated 07.09.2024 passed by learned CJM, Lohardaga in connection with Lohardaga Mahila P.S. case no. 43 of 2022 corresponding to G.R. No. 173 of 2023 be quashed and set aside.
12. Accordingly, this Criminal Miscellaneous Petition being without any merit is dismissed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated, the 17th September, 2025
Smita / AFR