

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5294 of 2022

Arising Out of PS. Case No.-346 Year-2018 Thana- JAKKANPUR District- Patna

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1. Ashok Kumar Choubey @ Ashok Choubey Son Of Aditya Jha R/O House No. 33/12 Ground Floor, Old Rajendra Nagar Near Salwan Public School, P.S.- Rajendra Nagar, New Delhi
 2. Jaya Choubey Wife Of Ashok Kumar Choubey R/O House No. 33/12 Ground Floor, Old Rajendra Nagar Near Salwan Public School, P.S.- Rajendra Nagar, New Delhi
 3. Ms. Pooja Daughter Of Ashok Kumar Choubey R/O House No. 33/12 Ground Floor, Old Rajendra Nagar Near Salwan Public School, P.S.- Rajendra Nagar, New Delhi

... .. Petitioner/S

Versus

1. The State of Bihar
 2. Bimla Tiwari Wife Of O.P. Tiwari R/O Flat No.- 103, Jasumati Enclave Kannulal Road, Mithapur, P.S.- Jakkanpur Town And District- Patna
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rampravesh Nath Tiwari, Adv.
Mr. Sachindra Kumar Tiwary, Adv.
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL JUDGMENT

Date : 27-05-2026

Heard learned counsel for the petitioners and learned APP for the State.

2. The present application has been filed by the petitioners invoking inherent jurisdiction of this Hon'ble Court for quashing the order dated 14.09.2020 passed by the learned Additional Chief Judicial Magistrate, Patna (In-charge) in Jakkanpur P.S. Case No. 346 of 2018 whereby and whereunder the learned Court has taken cognizance under Sections 406, 420 of the Indian Penal Code and under Section



$\frac{3}{4}$ of the Dowry Prohibition Act.

3. The prosecution case in brief is that the informant alleged that marriage of her daughter was fixed between respective parents Ashok Kumar Choubey (petitioner no. 1) and Om Prakash Tiwari. Ring Ceremony was held at Delhi at the residence of Petitioner no. 1. On 12.05.2018, Petitioner no 1 visited Patna and informant's husband gave Rs. 6 lakhs cash to him. On 15.06.2018 informant and her husband visited at the residence of Petitioner no. 1 where the petitioners demanded Rs. 10 lakh cash and one Honda City Car. Thereafter, marriage was cancelled on 21.07.2018. Later the marriage was attempted to be settled but due to unavoidable issues the marriage negotiations broke down.

4. Learned counsel for the petitioner submits that the parties had gathered before the SHO, Rajendra Nagar on 22.07.2018 i.e. the petitioner no. 1, the proposed bridegroom and father of the bride. Both the parties gave a letter to the SHO claiming that they have decided not to get the marriage ceremony conducted and they have returned the goods of each other and they have no complaint against each other. Moreover, the girl filed FIR No. 182 of 2018 in the Rajendra Nagar (New Delhi) Police Station. Counsel for the petitioner



further submitted that police submitted final form in this case bearing final report no. 493 of 2019 dated 31.10.2019 stating that the case has been found to be false. However, learned magistrate differing with the final form took cognizance under Section 406, 420 of the Indian Penal Code and under Section 3/4 of the Dowry Prohibition Act.

5. Learned APP for the State vehemently opposed the submissions made by the learned counsel for the petitioners.

6. The crux of the allegation is that a marriage negotiation went bad. Even though some gadgets or money were exchanged but there is a document clearly showing that the parties returned their gifts and settled their dispute amicably. Still the instant case was filed and thereafter the daughter of the informant filed Central Delhi Rajendra Nagar P.S. Case No. 182 of 2018 on 19.09.2018. The lady in the FIR has not stated that the document signed by the parties on 22.07.2018 was either forged or obtained by any wrongful means. She has plainly written about the same and then has stated that she wishes to lodge the FIR in view of the later development.

7. In view of the matter that the dispute relating to dowry and marriage was settled between the parties and the



new FIR relates to allegation of molestation and continuance of this prosecution is bad in law, malafide and abuse of the process of the Court. The FIR lodged at Delhi is continuing and the same may be taken to its logical conclusion. In view thereof, order dated 14.09.2020 passed by the learned Additional Chief Judicial Magistrate, Patna (In-charge) in Jakkanpur P.S. Case No. 346 of 2018 is hereby quashed.

8. Accordingly, the application stands allowed.

(Ansul, J)

Siddharth Soni/-

AFR/NAFR	
CAV DATE	18.03.2026
Uploading Date	27.05.2026
Transmission Date	27.05.2026

