

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46722 of 2008

Arising Out of Complaint Case No. 847(C) Year- 2005 District- PATNA

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1. Kapil Rai @ Kapildeo Yadav, son of late Ramchandra Rai
 2. Bhagmani Devi, wife of Shri Kapil Rai
 3. Manoj Rai, son of Shri Kapil Rai
 4. Raju Devi, wife of Shri Manoj Rai
- All resident of village Vijay Hotel Mokama, P.S. Mokama, Distt. Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Minoo Devi, wife of Shri Dabloo Rai, daughter of Shri Dukhan Rai, resident of village Station Road Mokama, P.S. Mokama, Distt. Patna. At present Bibiganj, Tari Godam, P.S. Danapur, Distt. Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Murari Narain Choudhary, Adv.

Mr. Vijay Kumar, Adv.

For the State : Mr. R.B. Roy, Raman, A.P.P.

For the Opposite Party No. 2 : None

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 30-06-2015

No one appears on behalf of the Opposite Party No. 2 on repeated calls.

The Petitioners who are the in-laws of the Opposite Party No. 2 seek quashing of the order of cognizance dated 25.4.2006 passed by the Sub Divisional Judicial Magistrate, Danapur (Patna) in Complaint Case No. 847C of 2005.

The case of the Complainant is that she was married to accused Dabloo Rai on 8.7.1997 on which occasion a large number of gifts were given to the in-laws. However, she was humiliated by her husband for non fulfillment of a Motorcycle. Later on she was ousted

from her matrimonial home.

It has been submitted on behalf of the Petitioners that they are the uncle-in-laws, his wife, their son-in-law and daughter-in-law respectively. They used to live separate from the house in which the Complainant was residing. In any view there is no specific instance of torture at the hands of the accused persons. Also it does not appear probable that a person who after marriage of about eight years would be tortured for ends of dowry. Evidently, malaise lies somewhere else.

Having considered the facts of the Complaint I would be inclined to hold that the Prosecution of the Petitioners is unwarranted.

Hence the application is allowed and the entire proceeding including the order dated 25.4.2006 passed by the Sub Divisional Judicial Magistrate, Danapur (Patna), in Complaint Case No. 847(C) of 2005, so far as the Petitioners are concerned, is hereby set aside.

(Anjana Prakash, J)

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