

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39880 of 2014

Arising Out of PS.Case No. -2186 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Aanandi Prasad @ Aanandi Sao Resident of Village - Pachaura, P.O. AND P.S. - Harnaut, District - Nalanda
 2. Krishna Sao @ Krishna Prasad Resident of Village - Saksohra, P.O. & P.S. - Harnaut, District - Nalanda
 3. Sunita Devi w/o Krishna Sao Village - Saksohra, P.O. & P.S. - Harnaut, District - Nalanda
 4. Puspa Kumari @ Pusplata Kumari Daughter of Late Jagdish Prasad Permanent resident of Village - Rahui, P.O. & P.S. Rahui, District - Nalanda. At present K.M. apartment, Ovaiyar, St. Ammapalayam Road, Junction, Dist.-Salem-5, Tamilnadu (doing BDS) unmarried Sister-in-law.

.... Petitioner/s

Versus

1. The State of Bihar
2. Amrita Kumari Wife of Akhilesh Kumar, Daughter of Sant Lal Prasad Moh. Rajapur Pul, P.O. - G.P.O., P.S. - Shree Krishnapuri, Patna.

.... Opposite Party/s

With

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Criminal Miscellaneous No. 40090 of 2014

Arising Out of PS.Case No. -2186 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Manoj Kumar Pandey S/o Chandrika Pandey R/o P.O. AND P.S. Pawapuri, District Nalanda
 2. Pintu Kumar Son of Arvind Mahto R/o Ghar Khirauna, P.S. Rahui, District Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. Amrita Kumari Wife of Akhilesh Kumar, D/o Sant Lal Prasad R/o Mohalla Rajapur Pul, P.O. GPO, P.S. Shree Krishnapuri, Patna

.... Opposite Party/s

With

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Criminal Miscellaneous No. 8807 of 2015

Arising Out of PS.Case No. -2186 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Akhilesh Kumar Son of Late Jagdish Prasad
 2. Shanti Devi W/o Late Jagdish Prasad Both Resident of Village- Rahui, P.O & P.S. Rahui , District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar
2. Amrita Kumar wife of Akhilesh Kumar Daughter of Sant Lal Prasad Moh:

Rajapur Pul, P.O- G P O , P.S. - Shree Krishnapuri ,District- Patna.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No. 39880 of 2014)

For the Petitioner/s : Mr. Sudhir Kumar Raj, Advocate

For the Opposite Party/s : Smt. Madhuri Lata, APP

(In Cr.Misc. No. 40090 of 2014)

For the Petitioner/s : Mr. Sudhir Kumar Raj, Advocate

For the Opposite Party/s : Mr. B.N. Pandey, APP

(In Cr.Misc. No. 8807 of 2015)

For the Petitioner/s : Mr. Sudhir Kumar Raj, Advocate

For the Opposite Party/s : Mr. Aditya Nr. Singh 1, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 17-09-2015

The Petitioners of Cr.Misc.No.39880 of 2014 and Cr.Misc.No.40090 of 2014, who are the in-laws of the Opposite Party No.2 and Mediator, and Petitioner No.2 of Cr.Misc.No.8807 of 2015, who is the mother-in-law of the Opposite Party No.2, seek quashing of the order of cognizance dated 11.10.2012 passed by the Judicial Magistrate, 1st class, Patna in Complaint case No.2186C of 2012.

The case of the Complainant is that she was married to Akhilesh Kumar on 9.7.2008 whereafter she went to the matrimonial home. For a few days she was kept well, but later on she started being tortured for non-fulfilment of demands of dowry. She was however blessed with a child but even then torture did not stop and finally she was ousted from the matrimonial home when she gave birth to another child in January, 2011.

It has been submitted on behalf of the Petitioners that it is impossible to believe that a person, who was married in the year

2008, would be tortured for ends of dowry even after birth of two children. Evidently the grouse of the Complainant was with her husband for some reason, which is demonstrated from the fact that even he had taken action by filing Matrimonial case No707 of 2012 for restitution of conjugal rights. When she received notice in the said case she filed the present Complaint on 30.7.2012.

On the other hand, the Counsel for the Complainant submits that since the Petitioners are the family members and the mediator, who had presented the credentials of the Petitioners wrongly, they should be put on trial.

Having considered the vague nature of allegations against the Petitioners and the background facts, the applications are allowed and the proceeding including the order of cognizance dated 11.10.2012 passed by the Judicial Magistrate, 1st class, Patna in Complaint case No.2186C of 2012 is hereby set aside so far as the Petitioners are concerned.

As for the application of Petitioner No.1 of Cr.Misc.No.8807 of 2015, the same is disposed of with liberty to him to raise all these points at the relevant stage.

(Anjana Prakash, J)

Narendra/-

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