

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21115 of 2012

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1. Ram Babu Ram S/O Mathura Ram Resident of Village Kethal Dholahi Narapar, Police Station Amnour, District Saran.
 2. Shanti Devi W/O Mathura Ram Resident of Village Kethal Dholahi Narapar, Police Station Amnour, District Saran.
 3. Mathura Ram S/O Late Dukhan Ram Resident of Village Kethal Dholahi Narapar, Police Station Amnour, District Saran.
 4. Kamkhya Ram S/O Mathura Ram Resident of Village Kethal Dholahi Narapar, Police Station Amnour, District Saran.
 5. Sushila Devi W/O Kamkhya Ram Resident of Village Kethal Dholahi Narapar, Police Station Amnour, District Saran.
 6. Vijanti Devi W/O Jitan Ram Resident of Village Kethal Dholahi Narapar, Police Station Amnour, District Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bharti Devi W/O Ram Babu Ram And D/O Yogendra Das Resident Of Village Kaithal Dholahi Narapar, Police Station Amnour, District Chapra At Saran, Presently Residing At Village Lohari, P.S. Chapra Mufassil, District Chapra At Saran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Binode Bariar, Adv.
For the Opposite Party/s : Mr. Aditya Nr. Singh 1, App

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

5 19-02-2015 No one appears on behalf of the Opposite Party no. 2.

Learned counsel for the petitioners seek permission to withdraw the application so far as the petitioner no. 1 is concerned. The rest of the petitioners who are in-laws seek quashing of the order of cognizance dated 02.01.2012 passed by the Chief Judicial Magistrate, Chapra in Complaint Case No. 709 of 2011.

The case of the informant is that she was married to the petitioner no. 1 in the year 2006 after which she went to the matrimonial home. At the time of marriage huge amount of gifts

were given to the in-laws. Unfortunately they did not treat her well and instead demanded additional dowry. In the year 2011 she was ousted from the matrimonial home by the in-laws.

It has been submitted on behalf of the petitioners that they are parents-in-law brother-in-law and sister-in-law as well as aunt-in-law of the complainant and there is no specific instance of torture at their hands. In such circumstance, the ingredients required for proof under Section 498A of the Indian Penal Code being absent. The trial would be a nullity.

Having gone through the facts of first information report, I am inclined to agree with the submission raised on behalf of the petitioners specially since marriage has taken place in the year 2006 whereas the present complaint was filed in the year 2011. It is highly improbable that that a person would be tortured for ends of dowry after almost 5 years of marriage.

Hence the application is allowed so far as the petitioners are concerned. The order of cognizance dated 02.01.2012 passed by the Chief Judicial Magistrate, Chapra in Complaint Case No. 709 of 2011 is hereby set aside.

(Anjana Prakash, J)

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