

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9327 of 2014

Arising Out of PS.Case No. -612 Year- 2012 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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1. Dilip Chaudhary Son Of Ram Das Chaudhary
2. Ram Das Chaudhary Son Of Late Tejo Chaudhary
3. Kamli Devi Wife Of Sri Ram Das Chaudhary All R/O Village Bhir Summan
Kamrai, P.S. Sultanganj, Distt Bhagalpur Presently Residing At Nagar Nigam
Campus, Bhagalpur, P.S. Adampur, Distt Bhagalpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. Jhansi Devi D/O Late Mishri Chaudhary R/O Nagar Nigam Campus, Bhagalpur,
P.S. Adampur, Distt-Bhagalpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. R.B. Roy Raman, APP

For Opposite Party No.2 : Mr. Rajiva Ranjan, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 23-07-2015

Learned Counsel for the Petitioners seeks permission to
withdraw the application so far as the Petitioner No.1 is concerned.

Application against the Petitioner No.1 is dismissed as
withdrawn.

The Petitioners No.2 and 3, who happen to be the in-laws
of the Informant, seek quashing of the orders dated 31.1.2013 and
23.7.2013, by which the Chief Judicial Magistrate, Bhagalpur in
Kotwali P.S. case No.612 of 2012 (G.R. No.3045 of 2012) has taken
cognizance and issued summons against the Petitioners.

The Informant has filed Complaint case No.692 of 2010
and Kotwali (Adampur) P.S. case No.377 of 2010 relating to dowry

and torture, which were compromised and the three accused persons were acquitted. However, later on the accused persons once again started torturing her for ends of dowry and hence was filed the present case. She stated that she has two daughters out of the marriage.

It has been submitted on behalf of the Petitioners that the Petitioners being the in-laws had no reason to torture the Informant after so many years of marriage and specially birth of two children. It appears that there was some dispute between the spouses which had led to institution of the present case.

On the other hand, the Counsel for the Informant submits that since the Petitioners were the in-laws they were duty bound to ensure that good relations were restored and having failed to do so, they should be put on trial.

Having considered the nature of allegations against the Petitioners and their relationship, the application is allowed and the proceeding including the orders dated 31.1.2013 and 23.7.2013 passed by the Chief Judicial Magistrate, Bhagalpur in Kotwali P.S. case No.612 of 2012 (G.R. No.3045 of 2012) is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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