

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14749 of 2015

Arising Out of PS.Case No. -1 Year- 2012 Thana -MAHILA P.S. District- SAHARSA

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1. Jay Prakash Sah son of Late Jawahar Sah,
2. Nilam Devi @ Nilu Devi, wife of Jay Prakash Sah, Both resident of village-
Tingachhia, Ward No. 35, Police Station and District- Katihar

.... Petitioner/s

Versus

1. The State of Bihar
2. Sabita Devi, daughter of Late Ram Bilas Choudhary, wife of Dipak Suman,
resident of Main Road, Simri Bakhtiarapur, P.S.- Bakhtiarapur, District- Saharsa

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 02-07-2015

The petitioners seek quashing of the order dated 03.03.2015 by which the Sessions Judge, Saharsa in Cr. Rev. No. 59 of 2015 has affirmed the order dated 20.01.2015 passed by the S.D.J.M Saharsa in Mahila P.S. Case No. 01 of 2012 by which he has refused to discharge the petitioners who happens to be the sister-in-law and brother-in-law of the O.P. No. 2.

The case of the informant is that she was married to one Deepak Suman (sala of the Petitioner no. 1) in the year 2005 after which she came to the matrimonial home where she gave birth to two children. However the in-laws kept demanding more dowry. Unable to fulfill the same they ousted her from the matrimonial home and her husband sold his house at the instance of the petitioners.

It has been submitted on behalf of the petitioners that it is

unbelievable that a person who was married in the year 2000 and had given birth of two child would be tortured for such demands of dowry. Moreover even conceding the allegation in the first information report none of the ingredients of Section 498A is made out.

On the other hand complainant submits that her husband has become traceless and since petitioners have acted in a highhanded manner by selling the property and also tortured her for ends of dowry they should be put on trial.

Having gone through the allegations as regards petitioners in the first information report, in my opinion, continuation of the prosecution in the facts stated above, would be gross abuse of the process of the Court and hence the application is allowed. The order dated 03.03.2015 passed by the Sessions Judge, Saharsa in Cr. Rev. No. 59 of 2015 and the order dated 20.01.2015 passed by the S.D.J.M Saharsa in Mahila P.S. Case No. 01 of 2012 are hereby set aside so far as petitioners are concerned.

(Anjana Prakash, J)

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