

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34754 of 2012

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1. Ganesh Yadav son of Late Kailas Yadav.
2. Sundari Devi wife of Ganesh Yadav both resident of Katras Road bank
more Dhanbad P.O. Dhanbad P.S. Bank More District Dhanabd

.... Petitioner/s

Versus

1. State of Bihar.
2. Smt. Surbhi Sinha D/o Arvind Kumar R/o Mohalla A/41 peoples Co-
operative Colony P.S. Kankarbagh District Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Sanjay Kr.Sharma, App

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

3 20-02-2015 The petitioners who are parents-in-law seek quashing
of the order dated 24.01.2012 passed in Complaint Case No. 622
C of 2006.

The case of the complainant is that she was married to
the son of the petitioners on 21.10.2001 under the Special
Marriage Act at Asansol after which she came to her matrimonial
home where she learnt that her husband was only matriculate and
is not doing anything. She married with him on account of his
allurement even though her father did not approve of the marriage.
However, later on the husband started to demand Rs. 5 lacs for
setting up a business at Dhanbad and on failure he started
harassing the complainant. She also gave birth to a child in the
year 2003 after which the accused persons particularly her

husband refused to accommodate her in the matrimonial home so she started living in her maternal home.

It has been submitted on behalf of the petitioners that when their son got married to a girl of another caste they were aggrieved and by a declaration dated 29.11.2001 they communicated to him that they have no concern with him. It appears on account of incompatibility with the husband she filed suit for dissolution of marriage on 17.07.2006 before the Principle Judge Family Court, Patna. Thereafter the present complaint was filed in the same year. The submission is that in such circumstance when there is not a single instance of torture for ends of dowry at the hands of the petitioners nor any evidence that she would be forced to commit suicide or had sustained any grievous injury, their prosecution should be set aside.

On the other hand complainant submits that since the petitioners are the parents-in-law they should be prosecuted.

Having gone through the prosecution case, I am agree with the submission raised on behalf of the petitioners that since the marriage has taken place in the year 2001 and the complaint was instituted in the year 2006 it appears highly improbable that a person would be tortured for ends of dowry for five years. Moreover, the fact that she filed an application for dissolution of

marriage also goes to show that there was some inability between the spouses Hence,the application is allowed. The order dated 24.01.2012 passed in Complaint Case No. 622 C of 2006 is hereby set aside.

(Anjana Prakash, J)

Prakash/-

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