

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29070 of 2014

Arising Out of PS.Case No. -202 Year- 2012 Thana -PATRAKARNAGAR District- PATNA

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1. Yogendra Rai, Son of Parakh Rai.
 2. Ajitabh Rai @ Ajitabh Kumar, son of Yogendra Rai.
 3. Rajitabh Rai, son of Yogendra Rai.
 4. Nilabh Rai, son of Yogendra Rai.
 5. Anita Devi, wife of Rajitabh Rai
- All residents of village Jogipur, Near Shiv Mandir, P.S. - Patrakar Nagar, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Sabita Devi, wife of Ajitabh Rai @ Ajitabh Kumar, daughter of Harinandan Rai, R/o Village - Khaspur, P.S. - Maner, District - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Adv
For the State : Mr. Jharkhandi Upadhyay, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 24-09-2105

Heard learned counsel for the Petitioner and the State.

The counsel for the Petitioner seeks permission to withdraw the application, so far as the Petitioner No. 2 is concerned, the same is allowed.

The rest of the Petitioners who are in-laws seek quashing of the order dated 24.3.2014 passed by the Sub Divisional Judicial Magistrate, Patna, in Patrakar Nagar P.S. Case No. 202 of 2012.

The case of the Complainant is that she was married to the Petitioner No. 2 in the year 2003 whereafter she lived peacefully for about a year. Later, the in-laws started demanding dowry and when the same was not fulfilled, she was tortured and ousted from the matrimonial

home on account of which she lived in her maternal home.

It has been submitted on behalf of the Petitioners that in fact, there was some incompatibility between the spouses on account of which, the Petitioner No. 2 had filed Informatory petition before the Chief Judicial Magistrate, Patna, on 26.7.2012 whereafter the present Complaint was filed on 12.8.2012, evidently, for ulterior reasons. Moreover, the counsel for the Petitioners further submits that the allegations are general and vague which do not warrant putting them on Trial.

On the other hand, the counsel for the Informant submits that since the Petitioners were close family members who should have ensured matrimonial harmony, they should be put on Trial.

Having considered the vague nature of allegation, duration of marriage as also relationship between the Parties, the application stands allowed and the Proceeding including the order of cognizance dated 24.3.2014 passed by the Sub Divisional Judicial Magistrate, Patna, in connection with Patrakar Nagar P.S. Case No. 202 of 2012, so far as the Petitioners No. 1, 3, 4 and 5 are concerned, is hereby set aside.

(Anjana Prakash, J)

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