

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7548 of 2014

Arising Out of PS.Case No. -3 Year- 2012 Thana -ITADHI District- BUXAR

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1. Ramanuj Mishra, S/O Late Baliraj Mishra,
 2. Shanti Devi, W/O Sri Ramanuj Mishra,
 3. Jetindra Kumar Mishra, S/O Sri Ramanuj Mishra,
 4. Triloki Mishra, S/O Sri Ramanuj Mishra, all are r/o Village- Bahuara, P.O- Bakunthpur, Distt- Buxar

.... Petitioner/s

Versus

1. The State of Bihar,
2. Chandan Kumar Upadhya, S/O Late Awadh Bihari Upadhya, R/O Mohl- Chottikee Sarimpur (Shivpuri), Ward No. 15, P.S- Buxar (M), Distt- Buxar, Bihar,
3. Sanju Devi, daughter of late Awadh Bihari Upadhyay, R/O Mohalla- Chottikee Sarimpur (Shivpuri), Ward No. 15, P.S- Buxar (M), Distt- Buxar, Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Pathak, Advocate

For the Opposite Party/s : Mr. Amrendra Prasad, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 26-02-2015

1. This application in so far as Petitioner No.3, Jetindra Kumar Mishra, is concerned is permitted to be withdrawn with observation that he be permitted to deposit the entire arrear within a period of four weeks.

2. Rest of the Petitioners seek quashing of the order of cognizance dated 12.04.2012 by which the Chief Judicial Magistrate, Bxuar, has proceeded against the Petitioners in Itadhi P.S. Case No.03 of 2012.

3. The case of the Informant is that he had married his sister to the Petitioner No.3 in the year 2006 on which occasion large number of gifts were given to the in-laws. However, the Petitioner Nos. 3 and 4 kept demanding more dowry and refused to perform

Gauna of his sister. In the year 2009, when Gauna was performed, she went to her matrimonial home. It was relevant to state that his sister was dumb from childhood and hence, she was taunted and beaten by every one. It was then that the present case was filed in the year 2011.

4. It has been submitted on behalf of the Petitioners that it is absurd to believe that a person, who was married in the year 2006 and thereafter went to matrimonial home in the year 2009, would be tortured for two years for dowry. However, there is no specific allegation so far as the present Petitioners are concerned.

5. Notice had been issued to the Opposite Party Nos.2 and 3, who had appeared before this Court whereafter the matter was sent to the Mediation Centre but none appeared before the Mediation Centre on behalf of the private opposite parties.

6. Today also none appears on their behalf.

7. Considering the submission of the parties, the order of cognizance dated 12.04.2012 passed by the Chief Judicial Magistrate, Bxuar, in Itarhi P.S. Case No.03 of 2012 is quashed in so far as Petitioner Nos.1, 2 and 4 are concerned.

8. The application stands allowed in part.

(Anjana Prakash, J)

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