

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 32057 of 2014

Arising out of P.S. Case No. -1737 Year- 2007 Thana -WEST
CHAMPARAN COMPLAINT District- WESTCHAMPARAN
(BETTIAH)

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1. Krishna Kant Shukla, Son of Late Deosharan Shukla.
 2. Savita Devi, Wife of Krishna Kant Shukla. Both are resident of Village-Dhum Nagar, Kachahari Tola, Police Station-Nautan, District-West Champara. Petitioner/s

Versus

1. The State of Bihar.
2. Ambu Devi, Wife of Padam Prakash Shukla and Daughter of Rajnandan Tiwari, Resident of Village-Dhum Nagar, Kachahari Tola, Police Station-Nautan, District-West Champaran, presently residing at Village-Baisakhwa, Police Station-Gopalpur, District-West Champaran. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No. 7, Adv.
For the Opposite Party/s : Mr. Mayanand Jha, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 16-07-2015

It has been submitted that the Petitioner No. 1, Krishna Kant Shukla is dead and, therefore, his application has become infructuous.

The application is dismissed as having become infructuous with regard to Petitioner No. 1.

The Petitioner No. 2, who is the mother-in-law seeks quashing of the order of cognizance dated 26.06.2014 passed by the Sub-divisional Judicial Magistrate, West Champaran at Bettiah in Complaint Case No. 1737 of 2007 (S.C. No. 877 of 2014).

The case of the Complainant is that she was married in the year 1992 with the son of the Petitioners and out of wedlock three children were born. However,

the in-laws always tortured her for ends of dowry and the husband solemnized a second marriage.

It has been submitted on behalf of the Petitioner that it is apparent from the perusal of the Complaint Petition that the main grouse of the Complainant is against the husband who has allegedly remarried. It is impossible to believe that a person who was married in the year 1992 would be tortured for ends of dowry even after a lapse of so many years and birth of three children.

On the other hand, Counsel for the Complainant submits that since the Petitioner No. 2 was the mother-in-law she should have taken care to ensure matrimonial harmony and she not having done so should be put on trial.

Having considered the nature of allegations as also the duration of marriage, the proceeding including the order of cognizance dated 26.06.2014 passed by the Sub-divisional Judicial Magistrate, West Champaran at Bettiah in Complaint Case No. 1737 of 2007 (S.C. No. 877 of 2014) is, hereby, set aside so far as the Petitioner No. 2 is concerned.

The application stands allowed.

(Anjana Prakash, J.)

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