

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35393 of 2014

Arising Out of PS.Case No. -119 Year- 2012 Thana -CHAUTHAM District- KHAGARIA

Smt. Seema Singh @ Bobby Kumari Wife of Sri Ashutosh Kumar resident of Shakti Vihar, Block-A, Mohan Garden Delhi. Parental address daughter of Rambilash Singh resident of village- Dayalpur, P.S.- Thana Bihpur, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Nidhi Kumari daughter of Sri Anil Kumar Singh resident of village- Devka, P.S.- Choutham, District- Khagaria

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Pd. Singh, Adv.
For the State : Mr. A. Haque Sahara, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 13-08-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order of cognizance dated 5.2.2014 passed by the Chief Judicial Magistrate, Khagaria, in Choutham P.S. Case No. 119 of 2012.

The case of the Informant in an injured condition at Hospital is that she was married to the brother of the Petitioner on 22.2.2007 after which she went to her matrimonial home. However, the in-laws started torturing her in terms of not bringing enough dowry and ultimately, they started neglecting her whereas the husband did not take her to Mumbai where he was working and when she went to Mumbai, she told that there is no flat to him there and as such, she started her studies at Coimbatore. The husband did not want to keep

her with him. When she went to her matrimonial home at Bhagalpur, she saw a message of her husband that she should be killed. It is then while, she was traveling with her parents-in-law, she was attempted to be strangulated by her mother in-law after which she was left there taking her dead. Thereafter, some persons came and brought her to the Police Station where she gave a written statement.

It has been submitted on behalf of the Petitioner that she was living at Delhi and had no concern with the affairs of her Bhabhi and brother. Evidently, the grouse appears to be between the husband and wife who did not maintain the cordial relationship.

On the last occasion, notices had been issued to the Opposite Party No. 2 but none appears on her behalf.

Having considered the nature of allegation against the Petitioner and the scope of applicability of Section 498A of the Indian Penal Code in the facts of the case, the application is allowed and the Proceeding including the order of cognizance dated 5.2.2014 passed by the Chief Judicial Magistrate, Khagaria, in Choutham P.S. Case No. 119 of 2012, so far as the Petitioner is concerned, is hereby set aside.

(Anjana Prakash, J)

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