

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17383 of 2012

Arising Out of PS.Case No. -0 Year- null Thana -null District- PURNIA

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1. Anil Kumar @ Anil Kumar Sah, S/O Sonelal Sah
 2. Sonelal Sah, S/O Late Bundi Sah
 3. Rampari Devi, W/O Sonelal Sah
 4. Arun Kumar Sah, S/O Sonelal Sah

All are resident of village Begusarai, P.S. Bachchwara, Distt. Begusarai.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sima Kumari, W/O Anil Kumar @ Anil Kumar Sah, D/O Shiv Shankar Prasad Sah, R/O Purnea College Chowk, P.S- K. Hat, Distt- Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv.
Mr. Binod Kumar, Adv.

For the State : Mr. T.N. Thakur, A.P.P.

For the Opposite Party No. 2: Mr. Shailendra Kr. Singh, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 10-02-2015

Heard learned counsel for the Petitioners and the State.

The application so far as the Petitioner No. 1 is permitted to be withdrawn.

The rest of the Petitioners are the parents-in-law and the brother-in-law of the Complainant seek quashing of the order of cognizance dated 25.3.2011 passed by the Judicial Magistrate, 2nd Class, Purnea, in Complaint Case No. 2066 of 2009.

The case of the Complainant is that she was married to the Petitioner No. 1 on 18.2.1999 on which occasion sufficient dowry was given but she was always tortured for demands of more dowry. On 18.2.1999, one female child was also born out of the said marriage

but yet the in-laws did not stop torturing her and ousted from her matrimonial home.

It has been submitted on behalf of the Petitioners that it is absurd to believe that a person who was married in the year 1999 would be tortured for fifteen longer years by the in-laws for ends of dowry.

Facts of the matter is that there was some matrimonial dispute on account of which the Complainant voluntarily left her matrimonial home and when she did not return back to her matrimonial home, the Petitioner No. 1 had filed a suit for restitution of conjugal rights. She never appeared in the said suit on account of which the suit was decreed ex-parte and till date she has not filed any application as against the said decree.

It is under these circumstances that the Petitioners submits that their Prosecution be quashed.

Considering the aforesaid aspects of the matter, the application stands allowed and order of cognizance dated 25.3.2011 passed by the Judicial Magistrate, 2nd Class, Purnea, in Complaint Case No. 2066 of 2009 so far as the Petitioners No. 2, 3 and 4 are concerned, is hereby quashed.

The application is allowed in part.

(Anjana Prakash, J)

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