

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18435 of 2012

Arising Out of Complaint Case No.2562 Year 2008 District- WEST CHAMPARAN (BETTIAH)

1. Vijay Kumar Patel S/O Mukti Patel Resident Of Village- Mangalpur, P.O.- Behari, P.S.- Sikta, District- West Champaran.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Ranjeeta Patel W/O Vijay Patel, D/O Rajendra Patel, presently reside with his father at village Langri, P.S.- Langri, District- Parsa (Nepal).

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhagya Narayan Jha, Adv.
For the State : Smt. Renuka Ratnakar, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 14-09-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order of cognizance dated 6.3.2010 passed by the Sub Divisional Judicial Magistrate, Bettiah, West Champaran, in Complaint Case No. 2562 of 2008.

The case of the Complainant is that she was married to the Petitioner in the year 2001 after which two children were born. Later, the in-laws and her husband started to demand a Motorcycle and some money as dowry. When it was refused, she was ousted from matrimonial home and, hence, the present Complaint.

It has been submitted on behalf of the Petitioner that it

is impossible to believe that a person would be tortured for ends of dowry for such a long period even after birth of two children. Evidently, the Complainant was dissatisfied for some reason on account of which she deserted the Petitioner. The Petitioner then filed a Matrimonial Case No. 229 of 2010 for restitution of conjugal rights in which an agreement was entered into between the Parties on 16.6.1990 i.e. subsequent to the present Complaint. Submission is that till date, the Petitioner has been abiding by the terms of agreement and, hence, the present Complaint should be set aside.

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

Having considered the facts of the case, the application is allowed and Proceeding including the order of cognizance dated 6.3.2010 passed by the Sub Divisional Judicial Magistrate, Bettiah, West Champaran, in Complaint Case No. 2562 of 2008, so far as the Petitioner is concerned, is hereby set aside.

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(Anjana Prakash, J)

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