

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 12592 of 2014

Arising out of P.S. Case No. -727 Year- 2013 Thana -BUXAR
COMPLAINT CASE District- BUXAR

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1. Vijay Mishra.
 2. Manoj Mishra.
 3. Bajnath Mishra @ Muna Mishra All Are Sons Of Parmatma Mishra.
 4. Parmatma Mishra Son of Late Dhaneshwar Mishra.
 5. Shiv Kumari Devi @ Shiv Kumari Wife of Parmatma Mishra.
 6. Indu Devi @ Rindu Mishra Wife of Bajnath Mishra.
 7. Punam Devi @ Punam Kumari Wife of Manoj Mishra All Are Resident of Village- Vishwamitra Colony, Buxar, P.S.- Buxar (Industrial), District- Buxar.
 8. Guddi Devi @ Gunia Tiwari Wife of Raju Tiwari All Are Resident of Village- Vishwamitra Colony, Buxar, P.S.- Buxar (Industrial), District- Buxar. At Present Resident of Village Barki-Nainijore, P.S. Brahmpur, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Abha Devi Wife of Vijay Mishra D/o Ravindra Pandey Resident of Village- Akouna P.S. Simari, District- Buxar, At Present Address- 43/1, T.H. E.D. Road Kolkatta- 70000052, P.S. Airport, Kolkata, West Bengal.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 17-09-2015

Learned Counsel for the Petitioners is permitted to withdraw the application so far as Petitioner No. 1 is concerned to avail his other remedies.

The rest of the Petitioners who are the in-laws of the Opposite Party No. 2 seek quashing of the order of cognizance dated 25.10.2013 passed by the Sub-divisional Judicial Magistrate, Buxar in Complaint Case No. 727(C) of 2013 (Tr. No. 1954 of 2013).

The case of the Complainant is that she was married to the Petitioner No. 1 on 08.06.2009 whereafter she came to

her matrimonial home. However, she was tortured for ends of dowry and it appeared that the husband was entangled with another lady. Finally, she was ousted from the matrimonial home and, hence, the present Complaint.

It has been submitted that it is evident from the narrative of the Complaint Petition that the main grouse is against the husband and the rest of the allegations in respect to torture are levelled only with a view to coerce the husband into somehow settle the dispute.

On the other hand, the Counsel for the Complainant submits that since the Petitioners are family members and they are responsible to ensure that the matrimonial harmony is maintained they should be put on trial.

Having considered the nature of allegations against the Petitioners as also duration of marriage and the grouse of the Complainant against the husband, the proceeding including the order of cognizance dated 25.10.2013 passed by the Sub-divisional Judicial Magistrate, Buxar in Complaint Case No. 727(C) of 2013 (Tr. No. 1954 of 2013) is, hereby, set aside so far as the Petitioners No. 2 to 8 are concerned.

The Application stands allowed.

(Anjana Prakash, J.)

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