

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 24601 of 2012

Arising out of P.S. Case No. -998 Year- 2009 Thana -
Complaint District- JEHANABAD

- =====
1. Indradeo Das Son of Late Bakhori Das Resident of Village - Korauna, P.S.- Jehanabad in the District of Jehanabad.
 2. Sushila Devi Wife of Indradeo Das Resident of Village - Korauna, P.S.- Jehanabad in the District of Jehanabad.
 3. Ravi Shankar Das Son of Indradeo Das Resident of Village - Korauna, P.S.- Jehanabad on the District of Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rekha Devi Daughter of Sri Jagdish Das Resident of Village - Lalse Bigha, P.S.- Kako in the District of Jehanabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Adv.

For the Opposite Party/s: Mr. Ansuiya Jaiswal, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 23-02-2015

Learned Counsel for the Petitioner seeks permission to
withdraw the application of Petitioner No. 3.

The application is dismissed as withdrawn with regard
to Petitioner No. 3.

The Petitioners who are the parents-in-law seek
quashing of the proceeding including the order of non-discharge
dated 04.05.2012 passed by the Sub-divisional Judicial
Magistrate, Jehanabad in Complaint Case No. 998 of 2009 (Tr.
No. 1140 of 2012).

The case of the Complainant is that she was married
to the Petitioner No. 3 on 17.04.2000 on which occasion large

number of gifts were given to the in-laws. Out of the marriage one child was born six months back she was driven out from her matrimonial home upon which she filed the present Complaint.

It has been submitted on behalf of the Petitioners that it is impossible to believe for nine years and even after a child is born a person would be tortured for ends of dowry.

It appears that the present Complaint has been filed in retaliation against action of the Petitioner No. 3 who had filed Matrimonial Case No. 97 of 2009 on 08.10.2009 which was decreed on 17.07.2010. It is only after receiving notice in the said matrimonial suit the present Complaint was filed on 27.10.2009.

Considering such aspects of the matter, the application is allowed and the proceeding including the order of non-discharge dated 04.05.2012 passed by the Sub-divisional Judicial Magistrate, Jehanabad in Complaint Case No. 998 of 2009 (Tr. No. 1140 of 2012) is, hereby, set aside so far as the Petitioners No. 1 and 2 are concerned.

The Application stands allowed.

(Anjana Prakash, J)

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