

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 18074 of 2014

Arising out of P.S. Case No. -159 Year- 2011 Thana -
SULTANGANG District- PATNA

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1. Damyanti Kumari Sinha @ Damyanti Tatarwe Wife of Sri S.N. Tatarway.
 2. Rajesh Kumar Verma @ Rajesh Kumar Son of Sri S.N.Tatarway.
 3. Neelam Verma @ Neelam Daughter of Sri S.N. Tatarway All are residents of Qrt. no.1821, Delhi Admin Flats Guylabi Bagh, New Delhi, Permanent Address of Mohalla:-Shivpur, Post Office:-Mahendru, Police Station-Sultanganj, District-Patna.
 4. Rajan Kumar Verma Son of Sri S.N.Tatarway Resident of D54 Rajeev Nagar Bampur New Delhi-86, permanent resident of Mohalla:-Shivpur, Post Office:-Mahendru, Police Station-Sultanganj, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Richa Anand D/o Anil Kumar Ambastha Resident of S.R.T.-27, Rajendra Nagar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Adv.
For the State : Mr. Parmeshwar Mehta, APP.
For the Opposite Party No. 2: Mr. Mukeshwar Dayal, Adv.

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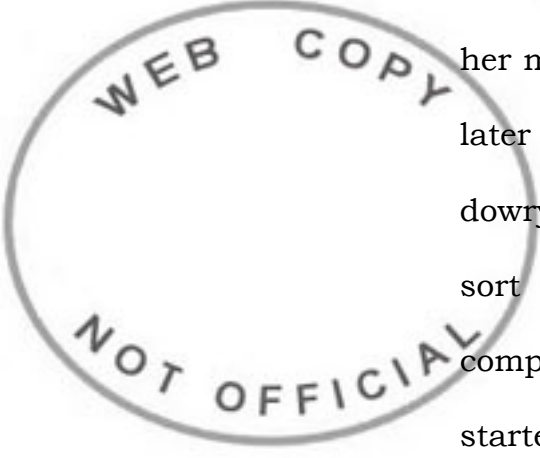
CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 19-03-2015

Learned Counsel for the Petitioners is permitted to withdraw the application with regard to Petitioner No. 4, Rajan Kumar Verma. It is dismissed as withdrawn in his respect.

The rest of the Petitioners who are the mother-in-law, brother-in-law and sister-in-law (Nanad) seek quashing of the order of non-discharge dated 12.03.2014 passed by the Sub-divisional Judicial Magistrate, Patna City, Patna in Sultanganj P.S. Case No. 159 of 2011 (G.R. No. 1871 of 2011).



The case of the Informant is that she was married on 27.06.2009 to the Petitioner No. 4 after which he came to her matrimonial home. Initially, the situation was normal but later on the in-laws started taunting her for the inadequate dowry that she had allegedly brought. Her parents came to sort out the dispute but no good came out of it. She complained the house was more of a jail than a home and she started remaining unwell. The in-laws also taunted her without any reason. She then gave birth to a son in her matrimonial home. Thereafter, her husband took her Delhi. Her torture for small things continued when she went with her husband. She lived in Delhi from 7th June, 2010 and her husband deprived her of essential needs. One day her husband pushed her down from the stairs in a manner which would look like an accident. Finally, she came to her maternal home when her in-laws started to create all kinds of absurd conditions for bringing dowry and, hence, the present Complaint.

It has been submitted on behalf of the Petitioners that it is impossible to believe that a person who was married in the year 2009 would be tortured for a long period even after the birth of a child. Fact of the matter is that there was some incompatibility issue between the spouses and the Complainant left her husband for which he filed a case before the National Commission for Women, New Delhi on 28.07.2011. The Petitioner No. 2 also filed a Sanha before the

SHO Police Station Gulabibagh with regard to the attitude of the Informant and her brother. The husband thereafter filed an application under Section 9 Hindu Marriage Act on 17.08.2011, when notices were received by her, in order to create defence she filed the present case on 29.08.2011.

On the other hand, Counsel for the Informant submits that since the Petitioners who were family members had tortured her in various manner they should be put on trial.

Having gone through the facts of the case, I would be inclined to hold that the allegations being general and rambling in nature as against the Petitioners No. 1 to 3 do not inspire confidence.

Hence, the proceeding including the order of non-discharge dated 12.03.2014 passed by the Sub-divisional Judicial Magistrate, Patna City, Patna in Sultanganj P.S. Case No. 159 of 2011 (G.R. No. 1871 of 2011) as far as Petitioners No. 1 to 3 are concerned is, hereby, set aside.

The application stands allowed.

It is made clear that the present order shall have no bearing on the case of the husband.

(Anjana Prakash, J.)

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