

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40593 of 2012

Arising Out of Complaint Case No. -1251 Year- 2011 District- GAYA

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1. Vijay Ravidas S/O Late Krishna Ravidas
2. Mina Devi W/O Late Krishna Ravidas
Both R/O Village - Gere, P.O. Manpur, P.S. Mofasil, Distt. - Gaya

.... Petitioner/s

Versus

1. The State Of Bihar
2. Kanti Devi W/O Vijay Ravidas, D/O Late Kailash Ravidas R/O Village -
Bahadurpur, P.O. Sarai, P.S. Sitamarhi, Distt. - Nawada

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Adv.

For the State : Mr. Mahendra Thakur, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 26-06-2015

Heard learned counsel for the Petitioners and the State.

The counsel for the Opposite Party No. 2 submits that
he has no instruction from his Clients.

Petitioner No. 2 is the mother-in-law of the Opposite
Party No. 2 seeks quashing of the order dated 9.4.2012 passed by the
Sub Divisional Judicial Magistrate, Gaya, in Complaint Case No. C1-
1251 of 2011 by which he has taken cognizance under Section 498(A)
of the Indian Penal Code and Section IV of D.P. Act.

The case of the Complainant is that she was married to
the Petitioner No. 1 about seven years ago on which occasion a large
number of gifts were given to the in-laws. However, she was tortured
for ends of dowry and later on she was ousted from her matrimonial
home.

It has been submitted on behalf of the Petitioner that the

Opposite Party No. 2 had deserted the Petitioner No. 1 since the year 2006 on account of which he filed a Matrimonial Suit No. 272 of 2010 under Section 13B of Hindu Marriage Act in which the Informant appeared and stated that she was not willing to reside with the Petitioner. It is thereafter, she filed the present Complaint to create a defence. It has further been stated that it is impossible to believe that a person would be tortured for ends of dowry even after a lapse of seven years of marriage.

Having considered the Complaint petition as well as the surrounding facts, the application is allowed and the entire Proceeding including the order dated 9.4.2012 passed by the Sub Divisional Judicial Magistrate, Gaya, in Complaint Case No. C1-1251 of 2011 is hereby set aside.

However, this order shall not prejudice any Party in any manner.

(Anjana Prakash, J)

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