

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47184 of 2013

Arising out of P.S. Case No. -null Year- null Thana -null
District- MADHUBANI

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1. Kanhaiya Choudhary @ Kanhaiya Kumar Choudhary Son of Keshaw Choudhary Resident of Village Gathiya, P.S.- Pandaul, District- Madhubani.
 2. Manoj Kumar Choudhary @ Sadhanshu Son of Bimal Kishore Choudhary Resident of Village Gathiya, P.S.- Pandaul, District- Madhubani.
 3. Raghav Prasad Choudhary Son of Late Ajab Narayan Choudhary Resident of Village Gathiya, P.S.- Pandaul, District- Madhubani.
 4. Shri Ram Choudhary @ Ram Chandra Choudhary Son of Late Ram Lakhan Choudhary Resident of Village Gathiya, P.S.- Pandaul, District- Madhubani.
 5. Sarswati Devi Wife of Raghav Prasad Choudhary Resident of Village Gathiya, P.S.- Pandaul, District- Madhubani.
 6. Bimal Kishore Choudhary @ Bimal Choudhary @ Khur Khur Choudhary Son of Ajab Narayan Choudhary Resident of Village Gathiya, P.S.- Pandaul, District- Madhubani.
 7. Neha Bharti @ Veena Kumara D/o Raghav Prasad Choudhary Resident of Village Gathiya, P.S.- Pandaul, District- Madhubani.
 8. Nisha Bharti @ Nisha Devi Daughter of Raghav Prasad Choudhary Resident of Village Gathiya, P.S.- Pandaul, District- Madhubani.
 9. Keshaw Kishore Choudhary @ Keshaw Choudhary Son of Late Ajab Narayan Choudhary Resident of Village Gathiya, P.S.- Pandaul, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kumari Manisha Wife of Anay Choudhary, Resident of Village- Gathiya, P.S.-Pandaul, District- Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Adv.

For the Opposite Party/s : Dr. Rabindra Kumar, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 09-04-2015

The Petitioners seek quashing of the order of
non-discharge dated 19.08.2013 passed by the Sub-
Divisional Judicial Magistrate, Jhanjharpur, Madhubani

in Complaint Case No. 447 of 2009 (Tr. No. 900 of 2013).

The case of the Complainant is that she was married to Sanjay Choudhary in the year 2007. When she went to her in-laws' house she started being tortured for ends of dowry and finally she was ousted from her matrimonial home on account of which she filed the present Complaint.

It has been submitted on behalf of the Petitioners that fact of the matter is that the Complainant did not want to live with in her matrimonial home therefore she has filed this Complaint with a view to coerce her husband into living separately from them. Moreover, it appears absurd that for two years a person would be tortured for ends of dowry and in the manner which she has stated in the Complaint Petition.

On the other hand, Counsel for the Complainant submits that the Petitioners who are family members should take responsibility to settle the dispute instead they instigated the husband for demanding dowry from her maternal home.

Having considered the facts of the Complaint Petition annexed herewith as mentioned above, I would be inclined to hold that so far as the present Petitioners are concerned they deserve to be exonerated from Trial.

Hence, the proceeding as against the Petitioners



including the order of non-discharge dated 19.08.2013 passed by the Sub-Divisional Judicial Magistrate, Jhanjharpur, Madhubani in Complaint Case No. 447 of 2009 (Tr. No. 900 of 2013) is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J.)

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