

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44807 of 2014

Arising Out of PS.Case No. -258 Year- 2013 Thana -HUSAINGANJ District- SIWAN

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1. Shiv Nath Sah Son of Late Ramautar Sah
 2. Indu Devi Wife of Shiv Nath Sah
 3. Sadhu Sah @ Jai Shankar Prasad @ Jai Shankar Sah Son of Shiv Nath Sah
 4. Niraj Sah @ Niraj Kumar Son of Shiv Nath Sah
 5. Rinku Devi @ Pinku Devi @ Pinku Wife of Sadhu Sah @ Jai Shankar Sah
 6. Shila Devi Wife of Niraj Sah @ Niraj Kumar All resident of village- Mahual Bazar, P.S.- Hussainganj, District- Siwan

.... Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi Wife of Amit Sah, D/o Gorakh Prasad Sah R/o village- Surbala, P.S.- G.B. Nagar, Dist.- Siwan

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate
For the Opposite Party/s : Mr. Akbar Ali, APP
For Opposite Party No.2 : Mr. Ajay Kr. Pandey, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 17-09-2015

The Petitioners, who are the in-laws of the Opposite Party No.2, seek quashing of the order of cognizance dated 7.8.2014 passed by the Chief Judicial Magistrate, Siwan in Hussainganj P.S. case No.258 of 2013 arising out of Complaint case bearing C. No.1219 of 2013.

The case of the Complainant/Informant is that she was married to the son of Petitioners No.1 and 2 on 11.3.2011 whereafter she went to her matrimonial home. However she was tortured for ends of dowry and thereafter ousted from the matrimonial home in 2013

and hence the present Complaint.

It has been submitted on behalf of the Petitioners that there are vague and general allegation against them and fact of the matter is that there was some issue between the husband and wife which could not be resolved and hence the present case was instituted with trumped up charges.

On the other hand, the Counsel for the Complainant submits that since there are allegations of torture against the Petitioners, they should be put on trial.

Having considered the vague nature of allegations as against the Petitioners and duration of marriage, the application is allowed and the proceeding including the order of cognizance dated 7.8.2014 passed by the Chief Judicial Magistrate, Siwan in Hussainganj P.S. case No.258 of 2013 arising out of Complaint case bearing C. No.1219 of 2013 is hereby set aside so far as the Petitioners are concerned.

(Anjana Prakash, J)

Narendra/-

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