

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45951 of 2014

Arising Out of Complaint Case No. -1173 Year- 2012 District- WEST CHAMPARAN (BETTIAH)

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1. Mina Benjamin D/o Late Benjamin Jacob resident of Village - Chuhari, P.S. - Chanpatia, District - West Champaran.
 2. Selina Benjamin @ Selin Benjamin W/o Radheshyam Pandey resident of village Tarwaparsa, P.S. Siwan Mufasil, District - Siwan.
 3. Victoriya Benjamin D/o Late Benjamin Jacob A-G rade Nurse, Skin Ward, P.M.C.H. Patna.
 4. Alama Benjamin D/o Late Benjamin Jacob
- Both 3 and 4 resident of Mohalla - Musallahpur Hat, P.S. - Pirbahore, Dist - Patna.
5. Trija Benjamin W/o Villam Samual resident of Mohalla - Krishcian Quarter Bettiah, P.S. - Bettiah Mufassil, Dist - West Champaran.
 6. Sweta Kumari W/o Sensil Gregori.
 7. Sensil Gregori S/o Late Gregori Bhaju
- Both 6 and 7 are resident of village - Chuhari P.S. - Chanpatia, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mary Farida D/o Late Arun Fidailish, W/o Sujit Benjamin resident of Mohalla - Raj Compound Narainapur, P.S. - Ram Nagar, District - West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kr. Singh No. 1, Adv.

Mr. Shakir Ahmad, APP

For the State : Mr. Amarandu Nath Verma, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 02-07-2015

No one appears on behalf of the Opposite Party No. 2 on repeated dates.

The Petitioners who are the married sisters-in-law of the Opposite Party No. 2 and the mediator of marriage seek quashing of the order of cognizance dated 15.5.2014 passed by the Sub Divisional Judicial Magistrate, Bagaha, in connection with Trial No. 5203 of

2014 arising out of Complaint Case No. C-1173 of 2012

The case of the Complainant is that she was married to Sujit Benzamin on 12.6.2006 whereafter she went to her Matrimonial home where she gave birth to a male child. Even though, her husband was unemployed he had solemnized the marriage on the basis of forged certificates. The Complainant attempted to live in her Matrimonial home but she was not permitted to do so and was ousted.

It has been submitted on behalf of the Petitioners that on going through the Complaint petition, there does not appear to be any reasonable justification for putting them on trial. If at all, the Complainant is aggrieved by the action of her husband who was unemployed and got married on the basis of forged documents it is he who should be prosecuted. Moreover, it is impossible to believe that anyone would be tortured for ends of dowry after birth of a child. The Petitioners who are married sisters-in-law and mediator of the marriage, had no occasion to interfere with the affairs of the husband and wife and, hence, they should not be put on trial.

Having considered the nature of allegations, I am inclined to accept the submission so raised on behalf of the Petitioners.

Hence, the application is allowed and the Proceeding including the order of cognizance dated 15.5.2014 passed by the Sub

Divisional Judicial Magistrate, Bagaha, in connection with Trial No. 5203 of 2014 arising out of Complaint Case No. C-1173 of 2012, so far as the Petitioners are concerned, is hereby set aside.

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(Anjana Prakash, J)