

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12395 of 2013

Arising Out of Complaint Case No. -385 Year- 2008 Thana -EAST CHAMPARAN
COMPLAINT District- -

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1. Munna Paswan S/O Late Dasai Paswan
2. Indal Paswan S/O Late Dasai Paswan
3. Mahindri Kuer W/O Late Dasai Paswan
All Resident Of Village Ghorasahan, P.S. Ghorasahan, District East
Champaran.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Anita Devi W/O Munna Paswan D/O Rudal Paswan Resident Of
Village Ghorasahan Brit, P.O. Ghorasahan, P.S. Ghorasahan, District
East Champaran At Present Resident Of Village Panjiyarwa, P.O.
Sugauli, P.S. Sugauli, District East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No. III, Adv.
For the State : Mr. Parmanand Pd., A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT

Date: 01-09-2015

Heard learned counsel for the Petitioners and the State.

The learned counsel for the Petitioners is permitted to
withdraw the application so far as the Petitioner No. 1 is concerned.

As for Petitioners No. 2 and 3 who are in-laws seek
quashing of the order of cognizance dated 19.1.2009 passed by the Sub
Divisional Judicial Magistrate, Sikrahana at Motihari, in Trial No. 1669 of
2012 arising out of Complaint Case No. C385 of 2008.

The case of the Complainant is that she was married to the
Petitioner No. 1 on 17.5.2003 whereafter, she went to her matrimonial
home. Initially, she was kept well in her matrimonial home but later on she
was tortured for ends of dowry even after two children were born out of
the said marriage. She was finally ousted from the matrimonial home. She

suspected that the husband was remarried with another lady.

It has been submitted on behalf of the Petitioner that it is impossible to believe that a person would be tortured for five long years and even after birth of children. Moreover, the main grouse appears to have been against the husband who had allegedly remarried.

Notices had been issued to the Opposite Party No. 2 but despite service of notice, she has chosen not to appear before this Court.

Considering the vague nature of allegations against the Petitioners No. 2 and 3, the application stands allowed and the Proceeding including the order of cognizance dated 19.1.2009 passed by the Sub Divisional Judicial Magistrate, Sikrahana at Motihari, in Trial No. 1669 of 2012 arising out of Complaint Case No. C385 of 2008 as against them is hereby set aside.

The Trial Court is directed to conclude the Trial of Petitioner No. 1 within a period of six months without granting unnecessary adjournment to any party.

(Anjana Prakash, J)

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