

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43558 of 2013

Arising Out of PS.Case No. -256 Year- 2012 Thana -RAHUI District- NALANDA
(BIHARSHARIFF)

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1. Anil Kumar Singh Son Of Bijay Prasad Singh
2. Sunita Devi @ Sunita Kumari Singh Wife Of Anil Kumar Singh
Both Resident Of Village - Kanhai Tika, P.S.- Amarpur, District - Banka At Present
Parwati Chowk, Kabristan, P.S.- Tatarpur, District - Bhagalpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. Awanti Rana, Wife Of Rajesh Kumar Singh. Daughter Of Shashikant Singh At
Present Residing At Village - Pachasa, P.S.-Rahui (Bhagan Bigha) District -
Nalanda

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Baljit Singh, Adv.

For the State : Mr. M. Haque, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 17-09-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners who are the sister-in-law and her husband of the Complainant seek quashing of the order of cognizance dated 5.3.2013 passed by the Chief Judicial Magistrate, Biharsharif, Nalanda, in Rahui (Bhaganbigha) P.S. Case No. 256 of 2012.

The case of the Informant is that she was married to the brother of the Petitioner No. 2 on 18.2.2011 but she was consistently tortured on account of non-fulfillment of demand of dowry. They also attempted to set on fire and administered poison but somehow she was saved. She then filed present case when she was ousted from the

matrimonial home.

It has been submitted on behalf of the Petitioners that they reside at Bhagalpur where the Petitioner No. 1 was a Government teacher and they were married much earlier in the year 1978. They had no concern with the daily affairs of the Informant and her husband who used to reside in Nalanda.

On the other hand, the counsel for the Informant submits that now charges have been framed and, hence, they should not be exonerated.

Having considered the relationship between the Parties, the duration of marriage as also the residence of the Petitioners, I would be inclined to hold that the implication of the Petitioners is unwarranted.

Hence, the application is allowed and the Proceeding including the order of cognizance dated 5.3.2013 passed by the Chief Judicial Magistrate, Biharsharif, Nalanda, in Rahui (Bhaganbigha) P.S. Case No. 256 of 2012, so far as the Petitioners are concerned, is hereby, set aside.

(Anjana Prakash, J)

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