

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27 of 2011

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1. Prakash Sah SON OF Bhuneshwar Sah @ Bhumeswar Sah.
 2. Bhuneshwar Sah @ Bhumeswar Sah son of Lae Rameswar Sah.
 3. Jaya Devi wife of Bhuneshwar Sah @Bhumeswar Sah.
 4. Munni Devi wife of Prakash Sah.

All residents of village Ragholi Katerach Patti, P.S. Dandkhora
District Katihar.

.... Petitioner/s

Versus

1. State of Bihar.
2. Urmila Devi Daughter of Late Birju Sah. Wife of Prakash Sah present wife of Lakhi Chandra Sah Resident of village Chasgama P.S. Borio District Sahebganj Jharkhand.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suresh Prasad Sah @ Baran, Adv.

For the Opposite Party/s : Mr. Ataur Rahman, App

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

6 31-03-2015 Counsel for the petitioners is unable to apprise this

Court with regard to the latest position of the trial.

Learned counsel for the petitioners is permitted to

withdraw the application so far as the Petitioner no. 1 is

concerned.

The rest of the petitioners who are the parents-in-law and

second wife of the husband of the complainant seek quashing of

the order of cognizance dated 24.11.2008 passed by the S.D.J.M

Katihar in Complaint Case No. 1577 of 2008.

The case of the complainant is that she was married to

the Petitioner no. 1 in the year 2004 on which occasion large

number of gifts were given to the in-laws. However, she was

tortured for ends of dowry and deprived of food and water for long periods on account of which she filed present complaint.

It has been submitted on behalf of the petitioners that fact of the matter is that the marriage was solemnized in the year 1990 and after 18 years the present complaint has been filed with allegations of torture and demand of dowry. It is highly improbable that a person would be tortured for ends of dowry after such a long period of marriage. Also the complainant had herself left the house of the petitioners and proceeded with her second husband.

On the last occasion notices have been issued to the O.P. No. 2 but despite service of notices he chosen not to appear before this Court.

Having considered the aforesaid facts and that there is no denial either with regard to the date of marriage as also that the complainant has remarried, the application is allowed and the order of cognizance dated 24.11.2008 passed by the S.D.J.M Katihar in Complaint Case No. 1577 of 2008, is hereby quashed with regard to petitioners no. 2 to 4.

(Anjana Prakash, J)

Prakash/-

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