

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 18711 of 2013

Arising Out of Complaint Case No. -2995 Year- 2010 Thana -MUZFFARPUR COMPLAINT
CASE District- MUZAFFARPUR

- =====
1. Shashi Bhushan Prasad Son of Late Indradeo Prasad Resident of Village-Neura Bazar (Daud Chapra) P.S.-Minapur, Distric-Muzaffarpur.
 2. Maya Devi Wife of Late Indradeo Prasad Resident of Village-Neura Bazar (Daud Chapra) P.S.-Minapur, District-Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Niloo Kumari D/O Suresh Prasad of Village-Bakhra, P.S.-Saraiya, District-Muzaffarpur at Present Resident at Mohalla-Jhitkahian Parrort Motors (Rental Flat of Munajee Chowk) P.S.-Brahampura, District-Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

3 25-06-2015 Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the opposite party no. 2.

The application seeks quashing of the order dated 10.08.2011 passed by the S.D.J.M., East Muzaffarpur in Complaint Case no. 2995 of 2010 (Trial No. 2216 of 2011) by which cognizance has been taken against the petitioners under Sections 498A of the Indian Penal Code and 4 of the Dowry Prohibition Act.

The petitioners are husband and mother-in-law of the complainant and the allegation is of torture, assault and demand of dowry.



Learned counsel for the petitioners submits that the allegations are false and it was the complainant who was not willing to live in the village due to which this false complaint case has been filed. However, a categorical stand is taken that the petitioners are ready to take back the opposite party no. 2 (complainant) into the matrimonial home and keep her with full dignity, honour and security. It is also submitted that the petitioner no. 1 has not re-married.

Learned counsel appearing for the opposite party no. 2 submits that she is ready to go and live with the husband in the matrimonial home provided her interest is safeguarded.

In view of the aforesaid, the application is disposed off in the following terms:-

The petitioners as well as opposite party no. 2 shall appear before the Court below on 6th July, 2015 when the petitioners shall give an undertaking before the Court that the opposite party no. 2 shall be kept in the matrimonial home with full dignity, honour and security and they shall also provide for all her needs. She shall also be allowed to interact freely with her relatives without any objection or hindrance and also talk to them and shall also be allowed to visit her relatives when she desires and they shall also be allowed to visit her. The Court shall thereafter fix date in the case every month and record a finding with regard to the status of the

relationship. After nine months, if the Court finds that the relationship has been restored, the Complaint Case No. 2995 of 2010 shall stand quashed. If there is any violation of the undertaking given by the petitioners, the opposite party no. 2 shall be at liberty to file an application before the Court below bringing to notice such violation. If the Court finds substance in the allegation after hearing the parties, the case shall proceed and the present application shall be deemed to have been dismissed. In the event, even after nine months if the opposite party no. 2 faces any threat or harassment from the petitioners or other family members, she will be at liberty to file a fresh case against the concerned persons and the present order shall not cause prejudice to her.

(Ahsanuddin Amanullah, J.)

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