

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4125 of 2013

Arising Out of PS.Case No. -170 Year- 2010 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Arti Singh W/O Late Sita Ram Singh, R/O Village Dumaria, P.S- Tarari, Distt-
Ara, At Present N-9C/131, Lal Bagh, Azadpur, P.S- Adars Nagar, District- Delhi-
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.... Petitioner/s

Versus

1. The State Of Bihar
2. Shobha Devi @ Dani w/o Sri Rajesh, D/O Sri Sheo Prasad Singh R/O Village+
P.O- Fatehpur, P.S- Didarganj, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. A. Kumar, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP
For Opposite Party No.2 : Mr. Arun Kumar Singh, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 27-07-2015

The Petitioner, who is the mother-in-law of the
Complainant, seeks quashing of the order of cognizance dated
15.6.2010 passed by the S.D.J.M., Patna City in Complaint case
No.170 of 2010.

The case of the Complainant is that she was married to
Rajesh Singh, the son of the Petitioner, on 18.5.2001. on which
occasion cash and gifts were given to her in-laws. However when she
came to her matrimonial home even after birth of two children, she
was tortured for ends of dowry and ousted from there.

It has been submitted on behalf of the Petitioner that it is

impossible to believe that a person would be tortured for 9 years and even after birth of two children. The fact is that the husband and wife developed some differences, on account of which the wife left him and the husband filed a case for restitution on 23.11.2009. It is in order to create a defence that the present Complaint was filed on 11.3.2010.

On the other hand, the Counsel for the Complainant submits that since she has alleged maltreatment at the hands of the Petitioner, who was her mother-in-law, she should be put on trial.

Considering the factual aspect of the matter, the application is allowed and the proceeding so far as the Petitioner is concerned including the order of cognizance dated 15.6.2010 passed by the S.D.J.M., Patna City in Complaint case No.170 of 2010 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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