

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40140 of 2013

Arising Out of PS.Case No. -645 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Yogi Singh @ Yogendar Prasad @ Yogendra Singh S/O Late Lochan Singh,
 2. Keshri Devi, W/O Yogendra Prasad @ Yogi Singh,
 3. Kari Devi, D/O Yogendra Prasad, all resident of village- Nadwan, P.S.- Barh, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sita Ram Singh, S/O Late Natho Singh, resident of village- Pandarak, P.S. Pandarak, District Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Onkar Nath, Advocate
For the Opposite Party/s : Mr. Arun Kumar Arun, Advocate
Ms. Asha Kuamri, APP

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 20-08-2015

The Petitioners, who are the in-laws, seek quashing of the order of cognizance dated 01.08.2013 passed by the Judicial Magistrate, 1st class, Barh, Patna, in Complaint Case No.645-C of 2012.

The case of the Complainant is that her daughter was married to Rajiv Singh in the year 2006 after which she went to matrimonial home. However, she was tortured continuously for dowry and when she became pregnant accused persons assaulted her with such severity that she aborted and then Barh P.S. Case No.15 of 2010 was instituted which was compromised and then she was again taken to her matrimonial home but once again she was tortured.

It has been submitted on behalf of the Petitioners that it is completely false to say that the daughter of the Complainant had aborted. In fact, she has given birth to a live child which is evident from the medical prescription as also the allegations are completely vague and rambling where the Petitioners are concerned.

On the other hand, counsel for the Complainant submits that since the Petitioners acted in the manner they had and hence, they should be put on trial.

Having considered the relationship of the Petitioners with the victim and vague nature of allegation as also duration of marriage, the order of cognizance dated 01.08.2013 passed by the Judicial Magistrate, 1st class, Barh, Patna, in Complaint Case No.645-C of 2012, is hereby set aside in so far as the Petitioners are concerned.

The application stands allowed.

(Anjana Prakash, J)

JA/-

U		T	
---	--	---	--