

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39737 of 2013

Arising Out of PS.Case No. -49 Year- 2009 Thana -BAHADURPUR District- PATNA

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1. Surendra Prasad Singh S/O Late Pradeep Singh
 2. Shakuntala Devi W/O Surendra Prasad Singh
 3. Poonam Devi W/O Parmanand Singh
 4. Parmanand Singh S/O Ravindra Singh
 5. Ravindra Singh S/O Bhagwat Singh, all are Resident Of New Area Near G.V. Girls High School, Aurangabad, P.S. Aurangabad, District Aurangabad.
 6. Brijnandan Singh S/O Late Haribansh Narayan Singh
 7. Gayatri Devi wife of Brijnandan Singh, both No.6 and 7 are resident of village Dema, P.S. Kadirganj, District Patna

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Shobhan Singh daughter of Sidhnath Singh, resident of village Bahadurpur, P.S. Bahadurpur, District Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Lilawati Kumari, Advocate
For the Opposite Party/s : Mr. J. Upadhyay, APP
For Opposite Party No.2 : Mr. Tilak Sao, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-09-2015

The Petitioners, who are the in-laws of the Opposite Party No.2, seek quashing of the order of cognizance dated 9.1.2012 passed by the Chief Judicial Magistrate, Patna in Bahadurpur P.S. case No.49 of 2009.

The case of the Informant is that she was married to Manoj Kumar on 22.4.2003, whereafter she went to her matrimonial home. However the in-laws started demanding a Maruti car and when the demand was not fulfilled they tortured her. Subsequently some panchayati was held but to no avail. The problem continued and hence

the present First Information Report.

It has been submitted on behalf of the Petitioners that it is impossible to believe that a person would be tortured for so many years after marriage. Fact of the matter is that there was some kind of incompatibility between the spouses which has led to institution of a Matrimonial Suit by the husband for restitution of conjugal rights. In this background the Petitioners seek exoneration from the prosecution.

On the other hand, the Counsel for the Informant submits that since the Petitioners were the in-laws they were very much part of the family which had tortured her and hence they should be put on trial.

Having considered the vague nature of allegations as also the background facts of the Matrimonial Suit, I am inclined to set aside the prosecution so far as the Petitioners are concerned.

Hence, the application is allowed and the proceeding including the order of cognizance dated 9.1.2012 passed by the Chief Judicial Magistrate, Patna in Bahadurpur P.S. case No.49 of 2009 is hereby set aside so far as it relates to the Petitioners.

(Anjana Prakash, J)

Narendra/-

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