

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28435 of 2010

Arising Out of PS.Case No. -0 Year- null Thana -null District- DARBHANGA

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1. Arun Kumar S/O Sahdeo Sah Resident Of Johalla-Butanbari Malitola, P.S.- Chapra Town, Distt.- Saran, Chapra
 2. Sahdeo Sahu @ Sahdeo Sah S/O Late Badri Sah Resident Of Johalla-Butanbari Malitola, P.S.- Chapra Town, Distt.- Saran, Chapra
 3. Manju Devi D/O Sahdeo Sah Resident Of Johalla-Butanbari Malitola, P.S.- Chapra Town, Distt.- Saran, Chapra

.... Petitioner/s

Versus

1. The State Of Bihar
2. Pinki Devi D/O Vishwanath Prasad, W/O Shambhunath R/M - Butanbari , Mali Tola, P.S.- Chapra Town, District- Saran, Chapra

.... 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 JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-04-2015

No one appears on behalf of the Opposite Party no. 2 on repeated dates.

The petitioners who are the parents-in-law, brother-in-law and Sisiter-in-law (Dever and Nanad) seek quashing of the order of cognizance dated 12.11.2008 passed in Tr. No. 553 of 2010 arising out of Complaint Case No. 365 of 2009 by the Additional Chief Judicial Magistrate, Benipur under Sections 498A, 323, 504 of the Indian Penal Code and other allied sections.

The case of the complainant is that she was married to the Petitioner no. 1 on 10.06.1995 after which she started living with her



husband who did some business for which he used to reside outside station. The father-in-law who was a retired postal employees used to live at home since 2007 whereas Petitioner no. 3 was a divorcee also living with them. The complainant had two children about 12 years and 6 years of age. After six years of marriage the accused persons started torturing her for fulfillment of dowry and ousted her from the matrimonial home after which she started living with her husband in rented premises but despite the same she was tortured by the relatives. The Petitioner no. 3 also caused burn injury on the face of the complainant and when she requested for accommodation in the matrimonial home the accused persons abused her and refused to give her a room.

It has been submitted on behalf of the petitioners that it is impossible to believe that a person would be tortured for ends of dowry even after 12 years of marriage especially after birth of two children. Evidently the dispute was on account of living arrangement between the in-laws and the complainant and her husband which has led to institution of the present false complaint.

Having gone through the complaint petition and the documents annexed herein, I would be inclined to hold that the present complaint is based on imaginary allegations only with a view to put pressure on the petitioners with regard to the demand of living

arrangements. Hence, the application is allowed. the order of cognizance dated 12.11.2008 passed in Tr. No. 553 of 2010 arising out of Complaint Case No. 365 of 2009 by the Additional Chief Judicial Magistrate, Benipur is hereby set aside.

(Anjana Prakash, J)

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