

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49972 of 2013

Arising Out of Mahila P.S. Case No. -11 Year- 2012 District- GOPALGANJ

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1. Nandji Sharma Son Of Late Ram Jas Sharma
 2. Usha Devi Wife Of Nandji Sharma
 3. Ajay Sharma Son Of Nandji Sharma
 4. Abhishek Sharma @ Abhishek Kumar Sharma Son Of Nandji Sharma
 5. Sobha Devi Wife Of Ajay Sharma
 6. Anamika Kumar Daughter Of Nandji Sharma
 7. Ajnali Kumari Duaghter Of Nandji Sharma
- All Resident Of Village- Bedu Tola, P.S.- Thawe, District- Gopalganj

.... Petitioner/s

Versus

1. The State Of Bihar
2. Rajni Kumari Wife Of Rakesh Sharma, Daughter Of Tarkeshwar Sharma
Resident Of Village- Karhanee, Post- Badheya, P.S.- Jiradeie, District- Siwan

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghulam Rabbani, Adv.

For the State : Mr. Sharda Kumari, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 17-09-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners who are in-laws of the Opposite Party

No. 2 seek quashing of the order of cognizance dated 19.9.2013
passed in Gopalganj Mahila P.S. Case No. 11 of 2012 by the Chief
Judicial Magistrate, Gopalganj.

The case of the Informant is that she was married to
the son of the Petitioner No. 1 and 2 on 16.8.2011 whereafter she
came to her matrimonial home. However, the accused started to
torture her and husband assaulted her and finally drove her out from

the house.

It has been submitted on behalf of the Petitioners that fact of the matter is that the Informant had got married to the son of the Petitioners No. 1 and 2 out of their own sweet will with which the Petitioners had no concern. Subsequently, the relationship between the husband and wife went sour and present First Information Report was instituted so as to pressurize him into a compromise. If at all there is any torture it is at the hands of the husband and not the present Petitioners.

On the last occasion, notices had been issued to the Opposite Party No.2 but none appears on her behalf.

Having considered the factual aspect of the matter, the application is allowed and the Proceeding including the order of cognizance dated 19.9.2013 passed in Gopalganj Mahila P.S. Case No. 11 of 2012 by the Chief Judicial Magistrate, Gopalganj, so far as the Petitioners are concerned, is hereby set aside.

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(Anjana Prakash, J)

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