

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49750 of 2014

Arising Out of Complaint Case No. -410 Year- 2013 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

=====

1. Bindu Devi, wife of Sri Sanjay Kumar
2. Sanjay Kumar, Son of Srikant Prasad
3. Sanjeev Singh, Son of Sri Sanjay Kumar,
All resident of Argora Housing colony, House No. M/19, P.S. Argora, in the town
and District of Ranchi (Jharkhand)

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Rachna Pandey, Daughter of Sri Devendra Pandey, resident of village
Pokhata, P.S. Obra, District Aurangabad, presently residing in Mohalla Sri Krishna
Nagar, Madhukar Colony, Aurangabad, P.S. Aurangabad, in the town and District
Aurangabad

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma, Adv.
For the State : Mr. Ashok Kr. Singh No. 1, A.P.P.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 09-09-2015

Heard learned counsel for the Petitioners and the State.

The learned counsel for the Petitioners seeks permission to
withdraw the application so far as the Petitioner No. 3 is concerned so as
to raise all the points at relevant stage.

The application of Petitioner No. 3 is dismissed as
withdrawn.

As for Petitioners No. 1 and 2 who happens to be the
parents-in-law seek quashing of the order of cognizance dated 17.1.2014
passed by the Sub Divisional Judicial Magistrate, Aurangabad, in
Complaint Case No. 410 of 2013.

The case of the Complainant is that she was married to the Petitioner No. 3 on 13.2.2012 on which occasion a large number of gifts were given to the in-laws. Initially, she was kept well at her matrimonial home but, later on, the in-laws started torturing her for additional dowry as also turned her out from the matrimonial home on account of which she filed the present Complaint.

It has been submitted on behalf of the Petitioners No. 1 and 2 that fact of the matter is that there was some incompatibility issue between the spouses which had led the Petitioner No. 3 to file a Divorce Suit. It was subsequently the present Complaint was filed so as to create a defence. Whereas the Petitioners are concerned, there is no specific allegation against them.

On the other hand, the counsel for the Complainant submits that since the Petitioners No. 1 and 2 are parents-in-law they had a duty to ensure good relations and having failed to do so, they should be put on Trial.

Having considered the background facts as also the vague nature of allegation against the Petitioners and the duration of marriage, the application is allowed and the Proceeding including the order of cognizance dated 17.1.2014 passed by the Sub Divisional Judicial Magistrate, Aurangabad, in Complaint Case No. 410 of 2013, so far as the Petitioners No. 1 and 2 are concerned, is hereby set aside.

(Anjana Prakash, J)

S.Ali/-

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