

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52164 of 2014

Arising Out of Mehandia PS.Case No. -17 Year- 2012 Thana -MEHANDIA District- JEHANABAD

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1. Sudhir Kumar, son of Shri Hajari Rai
 2. Hajari Rai, son of Late Shyamdeo Rai
 3. Munna Kumar, Son of Shri Hajari Rai
 4. Lalmuni Devi, wife of Sri Hajari Rai

All residents of Village : Nagwan Dera, P.O. : Shorampur, P.S. : Janipur, District : Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rinki Kumari, daughter of Shri Ramanand Yadav, resident of village and P.O. : Jaipur, P.S. : Mehandia, District : Arwal.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Ray, Adv.

For the State : Mr. S. Dayal, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 09-09-2015

The spouses are physically present in Chambers. There does not appear any scope of settlement.

The counsel for the Petitioner seeks permission to withdraw the application so far as the Petitioner No. 1 is concerned to raise all these points at the relevant stage. Hence, the prayer of Petitioner No. 1 is dismissed with a direction to the Court below to conclude the Trial positively within a period of six months without granting unnecessary adjournment to any Party.

The rest of the Petitioners who are in-laws seek quashing of the order of cognizance dated 3.4.2013 passed by the Chief Judicial

Magistrate, Jehanabad, in connection with Mehandia P.S. Case No. 17 of 2012.

The case of the Informant is that she was married to the Petitioner No. 1 on 13.5.2011 whereafter she went to her matrimonial home. However, she was tortured for ends of dowry and even attempted to be killed but somehow she was saved.

It has been submitted on behalf of the Petitioners that it is absurd to believe that any person would be tortured for ends of dowry even after marriage of 3 ½ years. In fact, the Petitioner No. 1 had filed an application for decree of divorce vide Matrimonial Case No. 40 of 2014/13 of 2014, evidently, on account of some incompatibility issue between them. The Petitioners have been unnecessary roped in on the basis of vague allegations. Final Report had also been submitted in regard to the present Petitioners.

On the other hand, the counsel for the Informant submits that since the Petitioners were duty bound to ensure harmonious relationship of the spouses in absence of the same, they should be put on Trial.

Having considered the duration of marriage and the contents of the First Information Report as also the fact that Final Report was submitted after due investigation by an independent agency, the application is allowed and the Proceeding including the

order of cognizance dated 3.4.2013 passed by the Chief Judicial Magistrate, Jehanabad, in connection with Mehandia P.S. Case No. 17 of 2012, so far as the Petitioners No. 2 to 4 are concerned, is hereby set aside.

(Anjana Prakash, J)

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