

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44271 of 2012

Arising Out of PS.Case No. -548 Year- 2011 Thana -null District- SAMASTIPUR

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1. Gayatri Devi wife of Anandi Sharma.
 2. Suresh Sharma son of Anandi Sharma.
 3. Dinesh Sharma son of Anandi Sharma.
 4. Kamali Devi wife of Umesh Sharma

.... Petitioner/s

Versus

1. State of Bihar.
2. Pratibha @Radha Sharma wife of Dinesh Sharma

.... 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: 21-09-2015

The petitioners seek quashing of the order of cognizance dated 24.02.2012 passed by the Sub-Divisional Magistrate, Dalsingsarai in C.R. No. 548 of 2011, T.R. No. 1721 of 2012.

The case of the complainant is that she was married to the Petitioner no. 3 in the year 2005 after which she came to the matrimonial home. However, all the in-laws tortured her and on 02.12.2011, they finally ousted her from the matrimonial home.

It has been submitted on behalf of the petitioners that fact of the matter is that no doubt the complainant was married to the Petitioner no. 3 but later on developed intimacy with another person and married him in the year 2007. However, the complainant was aggrieved with the acts of the 2nd husband on which she filed

Vidyapatnagar Case no. 148 of 2011 as against him. In the said matter the parties compromised and thereafter both of them are living together. The Petitioner no. 3 then filed Matrimonial Suit no. 27 of 2012 on such grounds.

On the last occasion notices had been issued to the O.P. No. 2 but none appeared on her behalf.

Having considered the vague nature of allegation which makes the demands of dowry highly improbable, the application is allowed and the entire proceeding including the order of cognizance dated 24.02.2012 passed by the Sub-Divisional Magistrate, Dalsingsarai in C.R. No. 548 of 2011, T.R. No. 1721 of 2012, is hereby set aside.

(Anjana Prakash, J)

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