

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43383 of 2012

Arising Out of PS.Case No. -991 Year- 2011 Thana -null District- PATNA

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1. Birendra Kumar Verma son of late Ram Pravesh Singh
 2. Sarswati Devi wife of Birendra Kumar Verma
 3. Rishi Kumar son of Birendra Kumar Verma, all resident of village Lodipur, P.O. Dehri, P.S. Pipra, Dist. Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Anita Kumari wife of Rupesh Kumar "Mukesh" and daughter of Sri Sarjug Prasad Singh, resident of village Akbarpur, P.S. Naubatpur, P.O. Shorampur, Dist. Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rudra Deo, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 12-05-2015

The Petitioners, who are the parents-in-law and the brother-in-law of the Opposite Party No.2, seek quashing of the order of cognizance dated 16.2.2012 passed by the S.D.J.M., Danapur, Patna in Complaint case No.991C of 2011.

In the nature of dispute notices had been issued to the Opposite Party No.2 but despite receipt of notice personally she has chosen not to appear before this Court.

The case of the Complainant is that she was married to the son of Petitioners No.1 and 2 on 31.5.2009 whereafter she went to the matrimonial home. Initially she was kept well but later on they started torturing her in her husband's absence. They were also making

demands of additional dowry.

It has been submitted that in fact there were differences between the spouses on account of financial distress and therefore the Complainant filed Divorce case vide Matrimonial case No.9 of 2012 of course with allegations that her husband was having an illicit relationship with another lady. In such circumstances, evidently this Complaint with allegations of demands of dowry is contrary to the grievance stated by her in the Divorce Petition and hence prosecution so far as the Petitioners are concerned be set aside.

Considering the aforesaid, the application is allowed and the proceeding so far as the Petitioners are concerned including the order of cognizance dated 16.2.2012 passed by the S.D.J.M., Danapur, Patna in Complaint case No.991C of 2011 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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