

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28230 of 2014

Arising Out of PS.Case No. -88 Year- 2013 Thana -MAHILA P.S. District- NALANDA
(BIHARSHARIFF)

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1. Arjun Prasad, son of late Parmeshwar Ram,
 2. Suman Kumari @ Suman Sinha, W/o Arjun Prasad,
 3. Kedar Prasad, son of late Madan Ram,
 4. Niraj Kumar, son of Kedar Prasad,
 5. Kiran Kumari, wife of Kedar Prasad,
 6. Sweta Gupta @ Sweta Kumari, W/o Niraj Kumar,
 7. Pankaj Kumar, S/o Kedar Prasad, all are resident of Mohalla - Power Ganj, Bageshwari Road, Near Central School in the Gali of Shiv Mandir, P.S. - Kotwali, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. Pushplata Kumari, daughter of Awadh Prasad, wife of Pankaj Kumar, resident of Mohalla - Rajgir Main Road, P.S. - Rajgir, District - Nalanda

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mani Bhushan Kumar, Advocate

For the Opposite Party/s : APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 16-04-2015

1. Learned counsel for the Petitioners seeks permission to withdraw the application so far as Petitioner No.7, Pankaj Kumar, is concerned.

2. It is dismissed as withdrawn in so far as Petitioner No.7 is concerned.

3. Rest of the Petitioners, who happen to be the parents-in-law, brothers-in-law and their respective wives, seek quashing of the order of cognizance dated 18.06.2014 passed by the Chief Judicial Magistrate, Nalanda, in Mahila Thana P.S. Case No.88 of 2013.



4. The case of the Informant is that she was married to Petitioner No.7 in the year 2002 and for eight months she lived well. However, later on the in-laws started demanding a motor cycle for which a case was filed which ended in compromise but once again the in-laws started torturing. It was next alleged that while the male members were drinking female members misbehaved whereafter she was brought to her maternal home.

5. Notice was issued to the Opposite Party No.2 but none appears on her behalf even after filing duly executed Vakalatnama.

6. The Petitioners submit that earlier the Informant had filed Complaint Case No.1079-C of 2008 in which accused persons stood acquitted in view of the Complainant not supporting her case. She stated there that she used to live with husband in Rajgir. In such circumstances, evidently the Petitioners, who are the family members of the husband, be exonerated from the trial. Further submission is that it is improbable that a person would be tortured for six years for ends of dowry. Moreover, the Petitioners did not reside with the husband of the Informant and are residing either on their place of posting or in separate household and there was no possibility of them having tortured the Informant.

7. Having considered the contents of the First Information Report, I would be inclined to agree with the submission of the

Petitioners.

8. Hence, the order of cognizance dated 18.06.2014 passed by the Chief Judicial Magistrate, Nalanda, in Mahila Thana P.S. Case No.88 of 2013, is hereby set aside in so far as Petitioner Nos.1 to 6 are concerned.

9. The application stands allowed in part.

(Anjana Prakash, J)

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