

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 40386 of 2012

Arising out of P.S. Case No. -948 Year- 2011 Thana –
Complaint Case District- KATIHAR

- =====
1. Hardeep Singh, Son of Late Jaspal Singh.
 2. Gurdeep Singh, Son of Late Jaspal Singh.
 3. Kuldeep Singh, Son of Late Jaspal Singh.
 4. Jaswindra Kaur, Wife of Late Jaspal Singh.
 5. Manjit Singh, Son of Late Manohar Singh.
 6. Parkash Kaur, W/o Late Manohar Singh.

All are resident of B-162, 163 Punjabi Bagh Colony, Mayapuri,
Tiba Road, Ludhiyana, District-Ludhiyana (Punjab).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ajit Kaur, W/o Hardeep Singh, D/o Rajendra Singh, Resident of
SCF No. 10, Phase-3B-2, Mohali, District-Mohali.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sarvan Kumar, Adv.

For the Opposite Party/s: Mr. APP.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-10-2015

It is agreed that the parties could not resolve the
differences.

Learned Counsel for the Petitioners is permitted
to withdraw the application so far as the Petitioner No. 1,
Hardeep Singh is concerned to avail his other remedies in
accordance with law.

The rest of the Petitioners who are the in-laws
seek quashing of the order of cognizance dated
09.06.2011 passed by the Judicial Magistrate, 1st Class,
Katihar in Complaint Case No. 948 of 2011.



The case of the Complainant is that she was married to the Petitioner No. 1 in April, 2008 at Mohali on which occasion large number of gifts were given to the in-laws. When she went to live in her matrimonial home at Ludhiana every one started taunting her for the inadequate dowry she had brought. They also started demanding a motor-cycle or money in lieu of the same. However, the demand could not be fulfilled immediately. Later on Rs. 75,000/- was deposited in the bank account of Petitioner No. 1. However, even then demands were made she and her family was compelled to bring more dowry which they gave but it did not satisfy. She was also made to sign plain documents. The family then did not maintain her on account of which she filed an application under Section 125 Cr.P.C. at Mohali. In between, she gave birth to a child at her maternal home but none of the in-laws came to see her. After the birth of the child she once again went to Ludhiana but the treatment did not improve on account of which she and her child were brought back to Katihar. In between, the accused persons used to come to Katihar and used to torture her on account of which she filed the present Complaint at Katihar.

It has been submitted on behalf of the Petitioners that fact of the matter is that there was some

issue between the husband and wife which led to her filing an application under Section 9 of Hindu Marriage Act at Mohali. However, the same was dismissed since the Complainant never appeared to press her case by order dated 16.07.2012. It appears that the husband had filed an application for divorce which was also subsequently withdrawn. As for the allegations against the Petitioners it does not appear reasonable that a person who would be married in the year 2008 and also had a child out of the marriage would be tortured for ends of dowry.

On the other hand, Counsel for the Complainant submits that since the Petitioners are family members they were enjoined to ensure matrimonial home and they having failed to do so should be put on trial.

Having considered the vague and sweeping nature of allegations against the Petitioners, the proceeding including the order of cognizance dated 09.06.2011 passed by the Judicial Magistrate, 1st Class, Katihar in Complaint Case No. 948 of 2011 is, hereby, set aside so far as the Petitioners No. 2 to 6 are concerned.

The Application stands allowed.

(Anjana Prakash, J.)

Vikash/-

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