

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38217 of 2014

Arising Out of PS.Case No. -178 Year- 2013 Thana -ALAMNAGAR District- MADHEPURA

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1. Yogendra Mandal, son of late Ram Krishan Mandal
 2. Rajendra Mandal, son of late Ram Krishan Mandal
 3. Jeecho Devi, wife of Rajendra Mandal
 4. Prakash Mandal,
 5. Prabhu Mandal, both sons of Rajendra Mandal, all resident of village - Balsauta Dhar (Purbi Panchayat), P.S. - Alam Nagar, District - Madhepura.
 6. Sumitra Devi, wife of Late Gurucharan Mandal,
 7. Sanjeet Mandal, son of Late Gurucharan Mandal, both are resident of Village - Sankari Tola, P.S. - Alam Nagar, District - Madhepura.
 8. Kunal Mandal, son of Birendra Mandal
 9. Madhu Devi, wife of Birendra Mandal, both are resident of Village - Balsauta Dhar (Purbi Panchayat), (Matri Seva Sadan Ayush Xray Clinic) P.S. - Alam Nagar, District - Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Priyanka Devi, wife of Manoj Kumar Mandal, daughter of Jyotish Roy, at present residing at Village - Phulauth, P.S. - Chausha, District - Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kuamr Singh, Advocate

For the Opposite Party/s : APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 23-04-2015

1. The Petitioners, who are in-laws or neighbours of the husband of the Opposite Party No.2 seek quashing of the order of cognizance dated 21.07.2014 passed in Alam Nagar P.S. Case No.178 of 2013 by the Chief Judicial Magistrate, Madhepura.

2. The case of the Informant is that she was married to Manoj Kuamr Mandal on 29.09.2012 in a temple on which occasion large number of gifts were given to the in-laws. However,

the in-laws started creating scene on the date of marriage for extra dowry and when she went to matrimonial home they started torturing her for non-fulfillment of the same. On 25.08.2013, she found her husband with the Petitioner No.3 in compromising position. When she protested, she was ousted from the house on 26.08.2013.

3. On the last occasion, notice had been issued to the Opposite Party No.2 but despite service of notice none appears on her behalf.

4. It has been submitted on behalf of the Petitioners that as per the First Information Report itself it appears that allegation with regard to demand of dowry is false, inasmuch, as if it was a marriage on consideration, it would not have been held in a temple. Also fact of the matter is that Manoj Kumar Mandal had been forcibly married with the Informant in a temple and they had no relationship between them on account of which he filed Divorce Case No.99 of 2013 before the Principal Judge, Family Court, Madhepura, on 01.10.2013 for declaring the marriage null and void. When the notice was issued to the Informant, she filed the present Complaint Petition on 01.12.2013. It also appears that after receipt of the notice in Divorce Case, father and uncle of the Informant threatened Petitioner No.2 on account of which he filed Sanha

No.1777 of 2013. In the background facts, allegation in the First Information Report appears to be false.

5. Considering the facts and circumstances of the case, enumerated above, I would be inclined to hold that the present prosecution of the Petitioners is malicious and deserves to be set aside so far as Petitioners are concerned.

6. Accordingly, the order of cognizance dated 21.07.2014 passed in Alam Nagar P.S. Case No.178 of 2013 by the Chief Judicial Magistrate, Madhepura, is hereby set aside in so far the Petitioners are concerned.

7. The application stands allowed.

(Anjana Prakash, J)

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