

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29784 of 2014

Arising Out of PS.Case No. -533 Year- 2012 Thana -NAWADA District- NAWADA

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1. Ram Vilas Prasad Son of Late Shividhari Mahto
2. Daya Devi Wife of Ram Vilas Prasad Both Resident of Mohalla-Adivasi
Colony, P.S.-Agamkuan, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Priti Kumari Daughter of Ram Sharan Prasad Residet of Village-Vijaynagar,
P.S.-Kadirganj, District-Nawada.

.... 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: 09-04-2015

The petitioners who are parents-in-law of the O.P. No. 2 seek quashing of the order of cognizance dated 16.05.2014 passed by the Chief Judicial Magistrate, Nawada (Town) in Nawada (Town P.S. Case No. 533 of 2012.

The case of the informant is that she was married to the son of the petitioners on 25.05.2012 in the presence of the petitioners and with their consent. After marriage she came to her in-laws house where she kept well for few days. Subsequently the in-laws started torturing her for ends of dowry and stopped her food and assaulted her. The sister-in-law and the brother-in-law used tell her father-in-law to take her signature on the blank paper and after that she would

be killed. When she heard this, she told her parents who pleaded with the in-laws not to do any such thing. However, she was pushed out from the matrimonial home.

It has been submitted on behalf of the petitioners that entire story about marriage of the informant with their son is concocted. The fact of the matter is that the petitioner's son is a Senior Resident in the Department of Ophthalmology in IGMS Patna and was married to another lady from whom he has two children.

On the other hand counsel for the complainant submits that despite the son of the petitioners being already married, they had performed his marriage with her and hence they should be put on trial.

Having considered the facts of the complaint petition where no such allegation has been made and the vague nature of allegation in respect to torture, I would be inclined to hold the prosecution of the petitioners is unwarranted. Hence the application is allowed and the order of cognizance dated 16.05.2014 passed by the Chief Judicial Magistrate, Nawada (Town) in Nawada (Town P.S. Case No. 533 of 2012 so far as the petitioners are concerned, is hereby quashed.

(Anjana Prakash, J)

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