

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20929 of 2014

Arising Out of PS.Case No. -1162 Year- 2013 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

- =====
1. Kalawati Devi, wife of Ramdahin Manjhi,
 2. Ramdahin Manjhi, son of late Balchand Manjhi, both residents of village - Barwan, P.S. - Ander, District - Siwan

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibha Kumari, wife of Ravi Shankar, resident of village - Barwan, P.S. - Ander, District – Siwan, at presently residing at Daughter of Surya Deo Prasad, Village - Bari Yusufpur, P.S. - Industrial Area, District - Vaishali

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Soni Srivastava, Advocate

For the Opposite Party/s : APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-05-2015

1. The Petitioners, who are the parents-in-law of the Complainant seek quashing of the order of cognizance dated 25.11.2013 passed by the Sub-Divisional Judicial Magistrate, Vaishali at Hajipur, in Complaint Case No.1162 of 2013.

2. The case of the Complainant is that she was married Ravi Shanker on 23.06.2006 whereafter she came to her matrimonial home. Initially, she was kept well but later on the Petitioners started demanding some land and on refusal to accede to their demands she was tortured and assaulted. When she conceived, she came to maternal house where she gave birth to her child. Later on, she got a job as Clerk in Central Bank of India at which they again started demanding land. She was brutally assaulted and driven

out from the matrimonial house.

3. It has been submitted on behalf of the Petitioners that fact of the matter is that the Complainant used to live with her husband in Patna and after having joined service in Central Bank of India at Hajipur, she was living there. She never stayed with the Petitioners. There appears to be series of cases having been filed against in-laws and husband. The husband allegedly attempted to solve the dispute between them on account of which he filed a case for restitution of conjugal rights which proceeding is going on. It is under these circumstances that the Petitioners submit that the belated Complaint Petition after seven years of marriage is not fit to be sustained.

4. On the last occasion, notice had been issued to the Opposite Party No.2 but despite service of notice personally she has chosen not to appear before this Court.

5. In the aforementioned circumstances, the order of cognizance dated 25.11.2013 passed by the Sub-Divisional Judicial Magistrate, Vaishali at Hajipur, in Complaint Case No.1162 of 2013 is hereby set aside in so far the Petitioners are concerned.

6. The application stands allowed.

(Anjana Prakash, J)

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