

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11986 of 2014

Arising Out of PS.Case No. -598 Year- 2012 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

- =====
1. Shambhu Mahto, son of Sri Sita Ram Mahto,
 2. Sitaram Mahto, son of Sri Prayag Mahto &
 3. Sheela Devi, wife of Sita Ram Mahto, all resident of village-Sakraili, P.S.-
Chgeriya Bariarpur, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar &
2. Babita Devi, daughter of Sri Baleshwar Mahto, presently residing at village-
Rupaspur, P.S.-Rautara, district- Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sanjiv Kumar Singh, Advocate
APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 02-07-2015

1. Counsel for the Petitioners seek permission to withdraw the case so far as Petitioner No.1, Shambhu Mahto, is concerned, so as to enable him to seek other remedy to settle the dispute.

2. Prayer is allowed. The application is dismissed in so far as Petitioner No.1 is concerned.

3. Rest of the Petitioners, who are the in-laws of the Opposite Party No.2, seek quashing of the order dated 25.09.2012 passed by the Sub-Divisional Judicial Magistrate, Katihar, in Complaint Case No.598 of 2012.

4. The case of the Complainant is that she was

married to the Petitioner No.1 on 26.05.2008 at Rosera on which occasion large number of gifts were given to the in-laws. However, when she came to the matrimonial home, the in-laws attempted to burn her for non-fulfillment of demand of motorcycle. Thereafter, she was sent to her maternal home at Purnea where a Panchayati was held but to no avail and hence, the present Complaint Petition.

5. It has been submitted on behalf of the Petitioners that fact of the matter is that the Complainant was married to another person. Later on, she filed a case against him which she later compromised. There was no good relationship between the Complainant and her husband and the Petitioners had no role to play in the matter. It is absurd to believe that a person would be tortured for ends of dowry even after five years of marriage. Evidently, the dispute lay somewhere else.

6. On the other hand, counsel for the Opposite Party No.2 submits that since the Petitioners are the parents-in-law, they should be put on trial.

7. Having gone through the facts of the case, I am inclined to hold that prosecution of the Petitioner Nos.2 and 3 is unwarranted.

8. Hence, the order dated 25.09.2012 passed by the Sub-Divisional Judicial Magistrate, Katihar, in Complaint Case

No.598 of 2012 is hereby set aside in so far as the Petitioner Nos.2 and 3 are concerned.

9. Application stands allowed in part.

(Anjana Prakash, J)

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