

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27092 of 2012

Arising Out of PS.Case No. -1133 Year- 2010 Thana -null District- PATNA

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1. Dilip Rai @ Dilip Kumar Rai S/O Srijanardan Rai Mohalla Tingachhiya Bhova
Bavi P.S. Katihar Town P.S. District Katihar

2. Janardan Rai S/O Late Sri Doman Rai Village Gangahara P.S. Shahpur District
Patna

3. Kiram Devi W/O Sri Janardan Rai Mohalla Tingachhiya Bhova Bavi P.S.
Katihar Town P.S. District Katihar

.... Petitioner/s

Versus

1. The State Of Bihar

2. Bhawan Kumari D/O Jaiprakash Mandal Mohalla Hajiganj ,C/ State Bank Of
Bihaner And Jaipur , Thana Chowk District Patna

.... 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: 23-03-2015

Learned counsel for the petitioners is permitted to withdraw the
application so far as the petitioner no. 1 is concerned.

The petitioners who happen to be the parents-in-law seek quashing
of the order of cognizance dated 18.04.2011 in Complaint Case No. CA 1133 of
2010 passed by the Sub-Divisional Judicial Magistrate, Patna City under Sections
498A of the Indian Penal Code and 4 of the Dowry Prohibition Act.

The case of the complainant is that she was married petitioner no. 1
on 20.04.2010. On which occasion large number of gifts were given to the in-
laws. After two months when she returned back from her maternal house, the in-
laws tortured her for ends of dowry and thereafter her husband severely assaulted
her. The mother-in-law who was a short tempered lady always supported her son.

After some time the complainant gave birth a male child.

It has been submitted on behalf of the petitioners that even though the marriage took place in the year 2006 the present complaint has been instituted after four years i.e. in 2010. Evidently after such a long time and after birth of a child, it would be impossible to believe that any person would be tortured for ends of dowry. Factum of the matter is that there was some incompatibility between two spouses which led to the institution of the present complaint.

Learned counsel appearing for the complainant submitted that petitioners tortured the complainant and they should be punished. .

Considering the submissions and facts of the case, I would be inclined to hold that the petitioner nos. 2 and 3 should be exonerated from prosecution, on account of vagueness of allegations.

Hence, the application so far as they are concerned, is allowed. The order of cognizance dated 18.04.2011 passed by the Sub-Divisional Judicial Magistrate, Patna City in Complaint Case No. CA 1133 of 2010, is hereby set aside.

(Anjana Prakash, J)

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