

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33335 of 2014

Arising Out of PS.Case No. -274 Year- 2012 Thana -KANKARBAGH District- PATNA

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1. Vijay Kumar Sinha @ Vijay Kr. Singh. Son of Late Harif Lal Singh ,
 2. Rekha Sinha @ Rekha Singh , Wife of Vijay Kumar Sinha ,
 3. Ranjita Sinha @ Ranjita , D/o Vijay Kumar Sinha All Resident of Village & Post Bheria , P.S . Chandi Dist. Nalanda .
 4. Ramesh Prasad Singh , Son of Harinandan Prasad Singh , Resident of North Anandipuri , West Boring Canal Road P.S. Sri Krishnapuri District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mrs. Sweta @ Sweta Kumari , D/o Sri Chaudhary Yogeshwar Prasad , Resident of Nutan Tower Apartment, Block-C, Flat No. 102 , Kankarbagh More ,P.S. Kankarbagh , District Patna .

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Agrawal, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP
For Opposite Party No.2 : Mr. Bijay Kr. Pandey, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 20-08-2015

The Petitioners, who are the in-laws of the Opposite Party No.2, seek quashing of the order of cognizance dated 12.8.2013 passed by the Judicial Magistrate, 1st class, Patna in Kankarbagh P.S. case No.274 of 2012.

The case of the Informant is that she was married to Vishwajit Kumar on 6.2.2006. Her husband was Marine Engineer and in his absence she used to be tortured for ends of dowry and when her husband came then he also tortured her. It was then that a false case was filed by her husband against her in the Family Court and even

though she never said that she wanted to live with the husband along with her child and wanted to do so in the maternal home because of torture meted out by the husband and in laws. Wrongly a compromise petition stating such wrong facts was prepared by the accused persons and filed in the Court. It is then that she filed the present First Information Report.

It has been submitted on behalf of the Petitioners that fact of the matter is that the Informant had not desired to live with her in-laws and used to often go away to her maternal home and not discharge her obligations towards the matrimonial relations. It is on account of this reason that the husband filed suit for restitution of conjugal rights on 21.5.2010, which has been mentioned in the First Information Report. It is wrong to say that the Informant did not voluntarily admit to live with her in-laws amicably and that the compromise was false. She had herself appeared before the Court admitted her immaturity and desired to live in the matrimonial home. However later since she was unable to do so, she filed the First Information Report two years later.

On the other hand, the Counsel for the Informant submits that since the Petitioners had tortured her so much that she had to stop living in the matrimonial home and hence the Petitioners should be put on trial.

Considering the vague nature of allegations against the
Petitioners and the background facts, the application is allowed and
the proceeding including the order of cognizance dated 12.8.2013
passed by the Judicial Magistrate, 1st class, Patna in Kankarbagh P.S.
case No.274 of 2012 is hereby set aside so far as the Petitioners are
concerned.

(Anjana Prakash, J)

Narendra/-

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