

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34212 of 2014

Arising Out of PS.Case No. -89 Year- 2012 Thana -RASULPUR District- SARAN

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1. Shailesh Prasad @ Shailesh Kumar Son of Late shiv Balak Prasad
 2. Ramawati Kunwar Wife of Late Shiv Balak Prasad
 3. Manoj Kumar Prasad @ Manoj Prasad Son of Late Shiv Balak Prasad
 4. Vikash Prasad @ Vikesh Prasad Son of Late Shiv Balak Prasad
 5. Vijanti Devi Wife of Manoj Prasad All are r/o Village Atarsan, P.S. Rasulpur, District Saran at Chapra

.... Petitioner/s

Versus

1. The State of Bihar
2. Babita Devi Wife of Shailesh Prasad @ Shailesh Kumar , D/o Shambhu Prasad R/o Village Atarsan, P.S. Rasulpur, District Saran at Chapra, presently residing at Village Sankara, P.S. G.B. Nagar, Tarwara, District Siwan

.... 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: 08-10-2015

Counsel for the petitioners seeks permission to withdraw the application so far as the Petitioner no. 1 is concerned to pursue other remedy in accordance with law.

It is dismissed as such.

The rest of the petitioners who are in-laws seek quashing of the order of cognizance dated 04.04.2014 passed in Rasulpur Case No. 89 of 2012 by the Judicial Magistrate 1st Class, Chapra at Saran.

The case of the informant is that she was married with Petitioner no. 1 in 2010 after which she started living in matrimonial

home. However, she was tortured for ends of dowry and ultimately ousted from the matrimonial home on 06.11.2012.

The petitioners submit that fact of the matter is that on 23.06.2012 when a Panchayati was convened the relatives of the O.P. no. 2 started using abusive language and when the Petitioner no. 3 protested they badly assaulted him. Then the petitioner no. 3 instituted FIR no. 90 of 2012 on 24.06.2012. In this background it appears that the present first information report appears to have been filed only to create a defence. So far as the petitioners are concerned there is no specific overt act alleged against him and the allegations are general and omnibus in nature.

On the other hand informant submits that since petitioners are family members they should be put on trial.

Having considered the counter version of the case and the vague nature of allegation, the application is allowed and the order of cognizance dated 04.04.2014 passed in Rasulpur Case No. 89 of 2012 by the Judicial Magistrate 1st Class, Chapra at Saran is hereby by set aside as far as petitioners are concerned.

(Anjana Prakash, J)

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