

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25113 of 2014

Arising Out of PS.Case No. -8 Year- 2014 Thana -Samastipur Complaint Case District- Samastipur

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Pintu Kumar Mahto @ Pintu Kumar S/o Kusheshwar Mahto Resident of Village
Banghara, P.S. Ghatho Dalsinghsarai, District Samastipur, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Guriya Devi D/o Shyam Mahto Resident of Village Mau Bazar, P.S. Bidyapati
Nagar, District Samastipur.

.... 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: 29-10-2015

The petitioner seeks quashing of the order of cognizance
dated 15.04.2014 passed by the Sub-Divisional Judicial Magistrate,,
Dalsinghsarai in Complaint Case No. 08 of 2014.

The case of the complainant is that she was married to the
petitioner on 09.12.2011. When she reached to the matrimonial home
she was tortured for ends of dowry and was finally ousted from the
matrimonial home.

It has been submitted on behalf of the petitioner that fact
of the matter is that the petitioner was very happy with his wife and
had no complaints. However the complainant went to her maternal
home with her father and when the petitioner went to the house of the

complainant to fetch her he was insulted and obstructed by the father-in-law. The petitioner then filed a petition on 10.04.2013 before the Sub-Divisional Judicial Magistrate, Dalsingsarai mentioning the different dates on which he had gone to fetch his wife. He also then filed a petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights before the Family Court on 20.09.2013. The present complaint was then filed with a reason to create defence, is the submission.

In the nature of dispute between the parties an attempt was made to settle the dispute and the matter was referred to the meditation Centre. However, the complainant never appeared there.

A supplementary affidavit has been filed stating therein that the complainant has re-married. Counsel for the O.P. No. 2 does not have any instruction in the matter.

Having gone through the facts of the case I would be inclined to hold that the present complaint is not tenable and deserves to be set aside. The application is allowed and the order of cognizance dated 15.04.2014 passed by the Sub-Divisional Judicial Magistrate, Dalsingsarai in Complaint Case No. 08 of 2014 is hereby set aside.

(Anjana Prakash, J)

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