

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32343 of 2012

Arising Out of PS.Case No. -1474 Year- 2010 Thana -null District- BHOJPUR

- =====
1. Narayan Pandey, son of late Vikarma Pandey,
 2. Nanhaki Devi, wife of Narayan Pandey, both resident of village-Sheopur, P.S.- Sahpur, District- Bhojpur,
 3. Sri Bhagwan Rai, son of late Hira Rai &
 4. Ramawati Devi, wife of Sri Bhagwan Rai, both resident of village-Sonpa, P.S.- Rajpur, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar &
2. Sanju Devi, wife of Bimlesh Pandey, daughter of late Ram Pravesh Singh, presently resident of village-Eakwari, P.S.-Sahar, district- Buxar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anil Kumr Roy, Advocate
For the Opposite Party/s : Mr. Raj Kumar, Advocate
APP

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 01-07-2015

The Petitioners, who are in-laws of the Opposite Party No.2, seek quashing of the order dated 13.05.2011 passed by the Sub-Divisional Judicial Magistrate, Arrah, Bhojpur, in Complaint Case No.1474-C of 2010 so far as the Petitioners are concerned.

The case of the Complainant is that she was married to co-accused in the year 1999 but he was not medically fit. On account of various reasons, the Complainant was tortured by her in-laws and hence the present Complaint Petition.

It has been submitted on behalf of the Petitioners that in the entire Complaint Petition there is absolutely no direct material

against them. The allegations are merely superficial and imaginary in nature. It also appears that the husband had filed a suit for decree of judicial separation on the ground of cruelty and desertion against the wife. It appears that the spouses have some incompatibility issue which has led to institution of this case.

On the other hand, counsel for the Complainant submits that since the Petitioners are the family member of the husband of the Complainant, they should also be put on trial.

Having considered the nature of allegation against the Petitioners, I am inclined to allow the application.

Accordingly, the order dated 13.05.2011 passed by the Sub-Divisional Judicial Magistrate, Arrah, Bhojpur, in Complaint Case No.1474-C of 2010 is hereby set aside in so far as the Petitioners are concerned.

The application stands allowed.

(Anjana Prakash, J)

JA/-

U		T	
---	--	---	--