

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29918 of 2012

Arising Out of PS.Case No. -247 Year- 2011 Thana -null District- BEGUSARAI

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1. Dr. Jitendra Kumar @ Pappu son of Sri Mahendra Prasad Gupta.
 2. Mahendra Prasad Gupta Son of Late Jagdish Sah
 3. Ahiliya Devi wife of Sri Mahendra Prasad Gupta.
 4. Pintu Kumar son of Sri Mahendra Prasad Gupta.
 5. Julie Kumari Daughter of Sri Mahendra Prasad Gupta. All residents of Mohalla Station Raod barsoi P.S. Barsoi District Katihar.

.... Petitioner/s

Versus

1. State of Bihar.
2. Sangeeta Kumari wife of Dr. jitendra Kumar Resident of Station Road Barsoi P.S. Barsoi District Katihar.

.... 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: 03-04-2015

No one appears on behalf of the petitioners.

The application so far as the Petitioner no. 1 is concerned, is dismissed as withdrawn.

The rest of the petitioners who are parents-in-law, brother-in-law and Sister-in-law (daver and nanad) seek quashing of the order dated 27.06.2012 passed by the Sub Divisional Judicial Magistrate, Begusarai in Complaint Case No. 247C of 2011 under Sections 406, 498A of the Indian Penal Code and 4 of the Dowry

Prohibition Act.

The case of the complainant is that she was married to the Petitioner no. 1 on 26.08.2009 where after she went to the matrimonial home. However, accused persons started demanding Rs. 10,000/- in cash and a Digital X ray Machine and threatened her of ouster from the house, if such demand is not fulfilled. Later on, she was sent to her maternal home and when the complainant's father promised to meet the demands she was taken back to the matrimonial home. However, continuously everyone tortured her in all kinds of ways such as beating her, attempting give her poison and pouring Kerosene Oil to burn her. They finally ousted her after keeping all her articles.

It has been submitted on behalf of the petitioners that it is impossible to believe that for two years the complainant would be tortured for ends of dowry. Fact of the matter is that the husband was a qualified Doctor and there was some incompatibility issue between both the spouses which led to the institution of the present complaint.

In the statements recorded under Section 202 Cr. P.C also none of the witnesses have stated anything specific against the petitioners.

On the other hand, counsel for the complainant submits that there is serious dispute with regard to M.B.B.S degree of

Petitioner no. 1 and also the marriage had taken place on fraud and hence she was tortured. Also there is specific allegation of demand of dowry as against the Petitioner no. 1.

In my opinion, in the facts of the case mentioned above so far as the Petitioners no. 2 to 5 are concerned, the prosecution is unwarranted and hence the application is allowed so far as they are concerned and the order dated 27.06.2012 passed by the Sub Divisional Judicial Magistrate, Begusarai in Complaint Case No. 247C of 2011 is hereby set aside.

However, the quashment of this application shall have no bearing on the case of the husband. The trial Court is also directed to expedite the trial.

(Anjana Prakash, J)

Prakash/-

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