

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40239 of 2009

Arising Out of Complaint Case No. 585(C) Year- 2004 District- MUNGER

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1. Jagannath Karak @ Jagarnath Karak, son of Sri Dasharath Karak
 2. Parmila Devi, wife of Jagarnath Karak
 3. Gitanjali @ Jimmy, daughter of Jagarnnath Karak
 4. Anjali @ Kimmy, daughter of jagarnnath Karak
- All resident of village Karakpatti, P.S. & Distt. Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar
2. Binu Kumari @ Sangita Rani, wife of Bishwanath Karak, r/o Karakpatti Madhubani, P.S. & Distt. Madhubani, presently residing at Parental House Dalhatta Bazar, P.S. Kotwali, Distt. Muner, daughter of Madan Mohan Panjiyar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None.

For the State : Mr. R.B. Roy 'Raman', A.P.P.

For the Opposite Party No. 2 : Mr. Birju Prasad, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-08-2015

No one appears on behalf of the Petitioners.

It appears from the order sheet that on repeated dates,
no counsel has been appearing on behalf of the Petitioner.

The Petitioners seek quashing of the order of cognizance dated 24.12.2004 passed by the Chief Judicial Magistrate, Munger, in Complaint Case No. 585(C) of 2004 under Sections 498(A), 406 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The case of the Complainant is that she was married to the brother of Petitioner No. 1. During her stay in matrimonial home,

she was threatened by the Petitioners and her husband also continuously threatened her to bring additional dowry for setting up of business of the Petitioner No. 1.

It has been submitted on behalf of the Petitioner No. 1 that he used to run a Kirana shop on a loan having been taken by him and he was separate in mess and when a need arose for more accommodation, he persuaded his father and brother i.e. the husband of the Complainant for partition of the ancestral house. This present Complaint has then been filed against him for ulterior reasons. In fact, the Petitioner No. 1 had also filed Informatory petition much before the present Complaint was filed.

Be that as it may, considering the nature of allegation which does not seem to make out any Criminal offence as against the Petitioners, the application is allowed and the Proceeding including the order of cognizance dated 24.12.2004 passed by the Chief Judicial Magistrate, Munger, in Complaint Case No. 585(C) of 2004, is hereby, set aside.

(Anjana Prakash, J)

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