

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19247 of 2014

Arising Out of PS.Case No. -15 Year- 2007 Thana -NAWADA District- NAWADA

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1. Nandu Shaw @ Nand Lal Shao, Son of Maghu Shaw
 2. Kamla Devi, Wife of Nandu Shaw
 3. Manik Shaw, Son of Nandu Shaw
 4. Babita Shaw, Wife of Manik Shaw
 5. Kartik Lal Shaw @ Kartik Shaw, Son of Raj Kumar Shaw
 6. Champa Shaw, Wife of Kartik Lal Shaw
 7. Deepika Shaw, Daughter of Kartik Lal shaw
 8. Rupa Shaw, Daughter of Kartik Lal shaw
- All 8 petitioners are resident of village- Baraipara, House No.- 36, BL No.- 21, P.O.- R.L.B. Lane, Police Station- Jagat Lal, District- North 24 Pargana, West Bengal, PIN Code- 743194

.... Petitioner/s

Versus

1. The State of Bihar
2. Sangeeta Shaw, Wife of Lakhi Shaw, Resident of Village- Rajendra Nagar Nawada, Police Station- Nawada Town, District- Nawada, Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Adv.
For the State : Mr. Nagendra Prasad, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

3 03-12-2015 Heard learned counsel for the Petitioners and the State.

The Petitioners who are the in-laws seek quashing of the order of cognizance dated 6.3.2014 passed by the Chief Judicial Magistrate, Distt. Nawada, in Nawada Town P.S. Case No. 15 of 2007 corresponding to G.R. No. 79 of 2007.

The case of the Informant is that she was married to late Ajay Das in the year 1995 after which she gave birth to a girl

child. Unfortunately, her husband died in the year 1998 and then she was married to Lakhi Saw in the year 2001. In the next marriage, dowry was given but she was tortured for additional dowry and later on, she was ousted from the matrimonial home.

It has been submitted on behalf of the Petitioners that it is improbable that a person who was married in the year 2001 would be tortured for ends of dowry for such a long period. It appears that there was some issue between husband and wife which had been led to institution of the First Information Report.

On the other hand, counsel for the Informant submits that there are definite allegations against the Petitioners who were family members and, hence, they should be put on Trial.

Having considered the nature of allegation and the relationship between the Parties, the application is allowed and the Proceeding including the order of cognizance dated 6.3.2014 passed by the Chief Judicial Magistrate, Distt. Nawada, in Nawada Town P.S. Case No. 15 of 2007 corresponding to G.R. No. 79 of 2007, is hereby, set aside.

(Anjana Prakash, J)

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