

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 29367 of 2011

Arising out of P.S. Case No. -397 Year- 2009 Thana –
Complaint District- NAWADA

- =====
1. Rakesh Sharma, Son of Anandi Singh, Resident of Patauri, P.S. Akbarpur, Distt. Nawada.
 2. Anandi Singh, Son of Late Nathuni Singh, Resident of Patauri, P.S. Akbarpur, Distt. Nawada.
 3. Meera Devi, Wife of Anandi Singh, Resident of Village-Patauri, P.S.-Akbarpur, District-Nawada, presently residing at Quarter No. 106, Police Colony, Ashok Vihar, New Delhi-52.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Archana Sharma D/o Murlidhar Sharma Patauri, P.S. Akbarpur, Distt. Nawada.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Satyavrat Verma, Adv.

For the State : Mr. Lalan Kumar, APP.

For the Opposite Party No. 2: Mr. Kumar Sunil, Adv.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 09-03-2015

Learned Counsel for the Petitioners is permitted to
withdraw the application so far as the Petitioner No. 1, Rakesh
Sharma is concerned.

The Petitioners No. 2 and 3 who are the parents-in-
law seek quashing of the order of cognizance dated
18.01.2010 passed by the Sub-Divisional Judicial Magistrate,
Nawada in Complaint Case No. 397 of 2009.

The case of the Complainant is that she was married
to the Petitioner No. 1 on 21.02.2003 on which occasion large
number of gifts were given to the in-laws. While the Petitioner



No. 1 was studying a course of Engineering the Petitioner No. 2 was posted as a Police Officer in Delhi. When she came to her in-laws' house. She was mentally tortured by everyone on the ground of bringing insufficient dowry. On 08.05.2004 a son was born who was aged about five years at the time of filing the Complaint. The allegation further was that the parents-in-law used to constantly demand more money for education of her husband, Petitioner No. 1. After the Petitioner No. 1 became a full-fledged Engineer he started working in Noida but the torture for non-fulfilment of dowry continued. On various occasions, she was assaulted by her father-in-law and also sought to be declared mentally unstable. On 01.04.2008 while she came with tea for her in-laws they taunted her that the tea was not made well then she filed the instant Complaint Petition at her home town since the Petitioners being influential persons in Delhi would obstruct a criminal prosecution.

Counsel for the Petitioners submits that it is impossible to believe that a person would be tortured for ends of dowry for six long years even after birth of a son. Fact of the matter is that there was some incompatibility between the spouses on medical grounds for which the Complainant had been regularly treated. However, when matters went out of hand the present Complaint was filed with trumped up charges.

On the other hand, Counsel for the Complainant submits that the Petitioners on many occasions had physically assaulted her and mentally tortured her and, hence, they should be put on trial.

Having gone through the Compliant Petition the gist of which is mentioned above, I would be inclined to hold that it is improbable that a person would be tortured for ends of dowry even after a lapse of six years and after birth of a child. Issues of incompatibility are apparent on the face of records hence the prosecution of the in-laws on the allegations mentioned above appears unwarranted.

Hence, the proceeding including the order of cognizance dated 18.01.2010 passed by the Sub-Divisional Judicial Magistrate, Nawada in Complaint Case No. 397 of 2009 is, hereby, set aside so far as the Petitioners No. 2 and 3 are concerned.

The Application stands partly allowed.

(Anjana Prakash, J)

Vikash/-

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