

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40080 of 2012

Arising Out of PS.Case No. -166 Year- 2009 Thana -null District- PATNA

- =====
1. Guriya Devi D/o Sri Dinesh Prasad @ Dinesh Kumar
 2. Rekha Kumari @ Rekha Devi D/o Sri Dinesh Prasad @Dinesh Kumar
 3. Poonam Kumari @ Poonam Devi D/o Sri Dinesh Prasad @ Dinesh Kumar.
 4. Sunita Kumari D/o Sri Dinesh Prasad @Dinesh Kumar.
 5. Ajay Kumar @Jai Nandan S/o Sri Dinesh Prasad @Dinesh Kuamr.

.... Petitioner/s

Versus

1. State of Bihar.
2. Smt. Guriya Devi W/o Sri Surya Nanda Prasad @Babloo Prasad.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Adv.
For the State : Mr. C. Jawahar, APP
For Opp. Party : Mr. Pravin Kumar Sinha, Adv.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 11-05-2015

The petitioners who are married sister-in-law and brother in-law seek quashing of the order of cognizance dated 24.08.2011 passed by the Chief Judicial Magistrate, Patna in Kankarbagh P.S. Case No. 166 of 2009.

The case of the informant is that she was married with Suryanandan Prasad @ Babloo Prasad in the year 2011 and she was kept peacefully in matrimonial home for one-two years. Thereafter the in-laws started assaulting her and on 19.06.2009 they ousted her from matrimonial home. When the local people intervened the father-in-law and brother-in-law refused to listen to them.

It has been submitted on behalf of the petitioners that it is

impossible to believe that a person would be tortured for ends of dowry after two years of marriage. Evidently it appears that there was some incompatibility between the husband and the wife which lead to institution of the first information report. In any view of the matter, the Petitioners no. 1 and 2 who are married sisters-in-law had no concern with the matrimonial affairs and also the Petitioners No. 1,3 and 4 being unmarried had no involvement.

On the other hand counsel for the informant submits that three witnesses have been examined and petitioners should not be exonerated from prosecution.

Having gone through the first information report, in view of the vague nature of allegations, the application is allowed and the order of cognizance dated 24.08.2011 passed by the Chief Judicial Magistrate, Patna in Kankarbagh P.S. Case No. 166 of 2009 so far as the Petitioners are concerned is hereby set aside.

However, this order shall not prejudice any party in any manner.

(Anjana Prakash, J)

Prakash/-

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