

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45246 of 2014

Arising Out of Complaint Case No.1208(C) Year- 2009 District- PATNA

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1. Vijoy Kant Pathak, S/o Late Mangala Charan Pathak
2. Smt. Chanda Pandey, W/o Vijay Kant Pathak
Both R/o Vyas Nagar, Block - B, Ashiana Nagar Road, Khajpura, P.S. - Rajiv
Nagar, Town & District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mrs. Ranjana, daughter of Sri Uma Kant Chaubey, Resident of Mohalla - Ved
Nagar More, near Vijay Nagar Rukanpura, P.S. - Rupaspur, District - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Mishra, Adv.
For the State : Mr. Rajesh Kumar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT
Date: 26-02-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of non-
discharge dated 10.10.2014 passed in Complaint Case No. 1208(C) of
2009 by the Sub Divisional Judicial Magistrate, Patna.

In the nature of dispute notices had been issued to the
Opposite Party No. 2 but none appears on her behalf.

The case of the Complainant is that she was married to
the son of the Petitioners in the year 2007 on which occasion, a large
number of gifts were given to the in-laws. However, when the
Complainant went to her matrimonial home, she was tortured for non-



fulfillment of demand of more dowry. Further it was stated that when she became pregnant, the accused persons started torturing her physically for ends of dowry and pressurizing her to abort. When she resisted, on 11.7.2008, she was assaulted by them. Also accused Vijay Kant Pathak gave her a leg blow on account of which she became very serious. The parents were also involved in this act. The accused persons thereafter attempted to pacify the matter and took her back but, once again, they started torturing her for an Alto Car. They also attempted to negotiate for sale of her land which she resisted. At the end, she has given the details of the amount of money which was transferred in the account of her husband which the accused persons did not return to her.

It has been submitted that fact of the matter is that the Complainant was married to the son of the Petitioner but there was some incompatibility issues, on account of which, the husband filed a matrimonial case before the Family Court, Patna, for divorce as Matrimonial Case No. 757 of 2008 on 12.1.2009. When she got knowledge about the same, she filed a Complaint case No. 42 of 2009 at Bhabhua on 5.5.2009. It has been submitted that evidently, the present Complaint is not only frivolous but also evidently malicious. Moreover, when there is no specific instance of torture meted out by the Petitioners, they deserve to be exonerated from Prosecution. Also

it appears highly unlikely that a person would be tortured for the ends of dowry for two years.

Considering the aforesaid submission, the application is allowed and the Proceeding including the order of non-discharge dated 10.10.2014 passed in Complaint Case No. 1208(C) of 2009 by the Sub Divisional Judicial Magistrate, Patna, so far as the present Petitioners are concerned, is hereby set aside.

(Anjana Prakash, J)

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