

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 38671 of 2012

Arising out of P.S. Case No. -2850 Year- 2009 Thana –Complaint
District- BEGUSARAI

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1. Manoj Sah Sawarnkar S/o Late Ambika Sah Resident of Village Saidpur, P.S. Manai, District Khagaria.
 2. Rama Devi W/o Late Ambika Sah Resident of Village Saidpur, P.S. Manai, District Khagaria.
 3. Krishandeo Sah @ Tunna S/o Ambika Sah Resident of Village Saidpur, P.S. Manai, District Khagaria.
 4. Pawan Sah S/o Late Ambika Sah Resident of Village Saidpur, P.S. Mansi, District Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Pavitri Devi W/o Manoj Sah D/o Ramchandra Sah (Swarnkar) Resident of Village Saidpur, P.S. Mansi, District Khagaria, Present Address Village Nawkothe, P.S. & P.O. Nawkothe, District Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Sharma, Adv.

For the Opposite Party/s : Mr. Umeshanand Pandit, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 22-06-2015

The Petitioners who are the husband and the in-laws of the Opposite Party No. 2 seek quashing of the order of non-discharge dated 20.06.2012 passed by the Judicial Magistrate, 1st Class, Begusarai in Complaint Case No. 2850C of 2009.

The case of the Complainant is that she was married to the Petitioner No. 1 on 04.02.2003 whereafter she went to her matrimonial home. However, she was tortured for ends of dowry and ousted from the matrimonial home on account of which she filed a Complaint Petition vide Complaint Case No. 740(C) of 2005 and an application for maintenance. However, when the in-laws came to know of it they took her back and

executed a bond but their behaviour did not change and she was once again tortured and ousted from matrimonial home.

It has been submitted on behalf of the Petitioners that when the Complainant made allegation of having been attempted to be poisoned and set on fire as also thrown from a bridge an inquiry was made into the said allegations by the local Police who found the same false. It also appears that the Petitioner No. 1 had filed a Complaint against his in-laws vide Complaint Case No. 1016 of 2008 wherein he stated that his in-laws were trying to destroy his family life. Ever since then they have not been living together. Moreover, the Complainant has not been taking any interest in the present prosecution even in the Court below.

On the last occasion, the matter was referred to the Mediation Centre but despite repeated notices the Opposite Party No. 2 did not appear.

Having considered the nature of allegations and the background dispute as also the report of the Mediator, the proceeding as against all the accused persons including the order of non-discharge dated 20.06.2012 passed by the Judicial Magistrate, 1st Class, Begusarai in Complaint Case No. 2850C of 2009 is, hereby, set aside.

The application stands allowed.

Vikash/-

(Anjana Prakash, J.)

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