

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 38270 of 2012

Arising out of P.S. Case No. -3221 Year- 2009 Thana –
Complaint District- BEGUSARAI

- =====
1. Indu Shahi W/o Binay Krishna Prasad Shahi Resident of Village- Manchi, P.S- Belsand, District- Sitamarhi, At Present Resident of Mohalla- Shivpuri Muzaffarpur, P.S- Kaji Mohammadpur, District- Muzaffarpur.
 2. Binay Krishna Prasad Shahi S/o Late Ram Shankar Prasad Shahi Resident of Village- Manchi, P.S.- Belsand, District- Sitamarhi, At Present Resident of Mohalla- Shivpuri Muzaffarpur, P.S- Kaji Mohammadpur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Usha Rani W/o Manik Shahi and D/o Dr. Madan Mohan Prasad Singh Resident of Village- Riga, P.S- Riga, District- Sitamarhi, At Present Resident of Mohalla Lohiya Nagr, Ward No. 26, Begusarai, P.S- Town, District- Begusarai.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Adv.

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 22-06-2015

The Petitioners who are the parents-in-law of the Opposite Party No. 2 seek quashing of the order of cognizance dated 03.01.2011 passed by the Sub-Divisional Judicial Magistrate, Begusarai in Complaint Case No. 3221(C) of 2009 so far as they are concerned.

The case of the Complainant is that she was married to son of the Petitioners on 13.05.2007 on which occasion large number of gifts were given to the in-laws. However, she was tortured for ends of dowry on account

of non-fulfilment of demands of an Alto Car and finally driven out from the matrimonial home.

It has been submitted on behalf of the Petitioners that it is impossible to believe that a person would be tortured for two long years for ends of dowry. Fact of the matter is that there was some incompatibility between the spouses which led to institution of the present case.

On the other hand, the Counsel for the Complainant submits that since the Petitioners are the parents-in-law they should be put on trial.

Considering the vague nature of allegations against the present Petitioners, the proceeding including the order of cognizance dated 03.01.2011 passed by the Sub-Divisional Judicial Magistrate, Begusarai in Complaint Case No. 3221(C) of 2009 so far as they are concerned is, hereby, set aside.

The application stands allowed.

However, quashment of the present proceeding shall have no bearing on the case of the husband.

Vikash/-

(Anjana Prakash, J.)

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