

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47168 of 2012

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

- =====
1. Ganga Sah @ Ganga Saw, S/O Dev Narayan Saw,
 2. Sundari Devi, W/O Ganga Saw, both resident of village- Abhrakha, P.S- Katoriya (Sueya), District- Banka

.... Petitioner/s

Versus

1. The State of Bihar
2. Annapurna Devi, D/O Subhash Poddar, resident of village- Luxmipur, P.S- Parwatta, District- Khagaria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 30-06-2015

1. The Petitioners, who are the in-laws of the Opposite Party No.2, seek quashing of the order dated 06.08.2012 passed by the Chief Judicial Magistrate, Banka, in Complaint Case No.1175 of 2012.

2. The case of the Complainant is that she was married to the son of the Petitioners Umesh Sah in the 2002 whereafter she went to matrimonial home. However, she gave birth to three daughters but despite her long stay in the matrimonial home, all her in-laws tortured and finally ousted her from the matrimonial home.

3. It has been submitted that there is no doubt that son of the Petitioner and the Complainant married in the year 2002

whereafter three children were born but it is impossible to believe that even after birth of three children and lapse of eight years there would be any demand of dowry. Evidently, there was some other dispute between the spouses. The real fact was that the family of the Complainant used to unnecessary interfere in the affairs of the Complainant on account of which there was bad blood amongst them. Certain actions were also taken by the Petitioner No.1 to stop such activities but to no avail.

4. On the last occasion, notice had been issued to the Opposite Party No.2 but none appears on her behalf.

5. Considering the nature of relationship between the parties and the vague nature of allegation as also the long duration of marriage, I am inclined to allow the application.

6. Accordingly, the order dated 06.08.2012 passed by the Chief Judicial Magistrate, Banka, in Complaint Case No.1175 of 2012 is hereby quashed in so far as the Petitioners are concerned.

7. The application stands allowed.

(Anjana Prakash, J)

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