

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 50469 of 2012

Arising out of P.S. Case No. -null Year- null Thana -null
District- -

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1. Amol Rai S/o Sri Vindeshawari Yadav R/o Vill-Lakshmipur, P.S.-Uda Kishanganj, Distt-Madhepura.
 2. Rita Devi W/o Sri Anmol Roy R/o Vill-Lakshmipur, P.S.-Uda Kishanganj, Distt-Madhepura.
 3. Ravindra Yadav S/o Sri Ram Dayal Yadav R/o Vill-Uda Kishanganj, P.S.-Uda Kishanganj, Distt-Madhepura.
 4. Krishna Kumar @ Murari Babu S/o Sri Shatrughan Babu R/o Madhepura Ward No.1, North of Electricity Board, Distt-Madhepura.
 5. Hanshraj Gautam S/o Sri Amol Roy R/o Vill-Laxmipur, P.S.-Uda Kishanganj, Distt-Madhepura.
 6. Gautam Yadav S/o Sri Bhola Prasad Yadav R/o Ward No.1, North of Electricity Board, Uda Kishanganj, Distt-Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sulochna Kumari W/o Sri Priya Ranjan Bhaskar and Daughter of Sri Sushil Kumar R/o Jalalgarh, P.S.Jalalgarh, Distt-Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. T. Shankar, Adv.

For the Opposite Party/s : Mr. Rana Randhir Singh, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-07-2015

The Petitioners who are the in-laws of the Opposite Party No. 2 seek quashing of the proceeding including the order of non-discharge dated 23.04.2011 passed by the Additional Sessions Judge, F.T.C.-III, Purnea in S.T. No. 84 of 2011 (Jalalgarh P.S. Case No. 37 of 2010).

The case of the Informant is that she was married to the son of the Petitioners No. 1 & 2 on



06.05.2009 whereafter she came to her matrimonial home. However, the in-laws used to always taunt her and torture her for the inadequate dowry she had brought. Incidentally, she and her husband both are Doctors. She was also threatened of dire consequences if she did not fulfil the demands of the in-laws. She stated that on one of the occasions she was assaulted by some of the Petitioners who also attempted to burn her and it was only on the intervention of the neighbours that she could be somehow saved.

It has been submitted on behalf of the Petitioners that the Petitioner No. 1 is the father-in-law, Petitioner No. 2 is the step mother-in-law, Petitioner No. 3 is the uncle-in-law and Petitioners No. 4, 5 and 6 are the cousin brothers of the husband of the Informant. The further submission is that it is impossible to believe that a person who is a qualified medical practitioner would be tortured for ends of dowry in the dramatic manner enumerated above. Evidently, there was some incompatibility issue between the spouses which has led to the institution of the present case. The husband had filed a divorce case which was subsequently withdrawn whereafter he filed a fresh application which is pending before the Principal Judge, Family Court, Purnea where the wife has appeared.

On the other hand, Counsel for the Informant submits that since the Petitioners are the in-laws and an endeavour should be made to explore the possibility of settlement.

Evidently, in a situation when the husband and the wife have appeared before the Principal Judge, Family Court there would be an opportunity of a settlement before the said Court and, hence, there is no reason why the disposal of this case should be held up for this reason.

Having considered the vague and absurd nature of allegations against the Petitioners, I would be inclined to hold that the prosecution as against the Petitioners deserves to be set aside.

Hence, the proceeding as against the Petitioners including the order of non-discharge dated 23.04.2011 passed by the Additional Sessions Judge, F.T.C.-III, Purnea in S.T. No. 84 of 2011 (Jalalgarh P.S. Case No. 37 of 2010) is, hereby, set aside.

The application stands allowed.

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

Vikash/-

(Anjana Prakash, J.)

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