

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18027 of 2011

Arising Out of PS.Case No. -0 Year- null Thana -null District- PATNA

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1. Pankaj Kumar Kejriwal S/O Shrawan Kumar Kejriwal
2. Shrawan Kumar Kejriwal S/O Late Narayan Prasad Kejriwal
3. Shushila Devi W/O Sharwan Kumar Kejriwal, all R/O Mohalla-E.L.91, Basanti Colony, Rourkela(Orrissa)

.... Petitioner/s

Versus

1. The State Of Bihar
2. Shail Kumari W/O Pankaj Kumar Kejriwal, Daughter Of Sri Babulal Agrawal At Present Resident Of House No.9C, Gardanibagh Road No.05, P.S.-Gardanibagh, Distt-Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. Madan Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-02-2015

No one appears on behalf of the Petitioners.

The Petitioners seek quashing of the order of cognizance dated 3.7.2010 passed by the Sub Divisional Judicial Magistrate, Patna in Complaint case No.3420C of 2009.

It appears that the Petitioners No.2 and 3 are the parents-in-law of the Complainant and the allegation in the Complaint Petition is that the Complainant had got married to the Petitioner No.1 on 14.4.2009 at Dharmshala, where rest of the family members were present. On such occasion, some dispute arose with regard to payment of money. At that point in time also the Complainant and her family members were humiliated by the in-laws. For one month, she stayed with her in-laws at Rourkela, after which she went to Calcutta where

her husband was working. However, her jewellery was kept by the in-laws at Rourkela. When she came to her in-laws place for attending a wedding, she was tortured by her in-laws after which she is living at her maternal home.

From the Complaint Petition, it appears that the marriage had survived only for about eight months. There is no specific allegation with regard to the role of the Petitioners No.2 and 3 in the Complaint Petition so as to fulfil the ingredients of Section 498A I.P.C.

In such a situation, the application is allowed and the proceedings so far as the Petitioners No.2 and 3 are concerned including the order of cognizance dated 3.7.2010 passed by the Sub Divisional Judicial Magistrate, Patna in Complaint case No.3420C of 2009 are hereby set aside.

As for Petitioner No.1, the application is disposed of with liberty to the Petitioner No.1 to raise all these points at the relevant stage.

(Anjana Prakash, J)

Narendra/-

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