

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 36838 of 2012

Arising out of P.S. Case No. -45 Year- 2012 Thana –
Complaint Case District- PATNA

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1. Mahesh Das S/o Ramashis Das Resident of Village Dandi, P.S. Nimchak Bathani, District Gaya.
 2. Chinta Devi W/o Rajnandan Chaudhary Resident of Village Dandi, P.S. Nimchak Bathani, District Gaya.
 3. Sonta Devi D/o Ramashis Das Resident of Village Dandi, P.S. Nimchak Bathani, District Gaya.
 4. Manohar Ravidas S/o Rajendra Ram Resident of Village Gandhi Tola, P.S. Rajgir, District Nalanda.
 5. Rajendra Ram S/o Resident of Village Gandhi Tola, P.S. Rajgir, District Nalanda.
 6. Sunil Das S/o Devaki Das Resident of Village Panch Talab, P.S. Hishua, District Nawada.
 7. Muniya Devi W/o Sunil Das Resident of Village Panch Talab, P.S. Hishua, District Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Indu Devi D/o Nagina Ram Resident of Village Naya Tola, P.S. Bakhtiyarpur, District Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. P.R. Singh, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 28-09-2015

Since the Petitioner No. 1 is the husband of the
Opposite Party No. 2, his application is disposed off with
liberty to him to avail other remedies in accordance with
law.

As for the rest of the Petitioners who have no
direct complicity with the affairs of the Complainant seek
quashing of the order of cognizance dated 21.06.2012

passed by the Sub-divisional Judicial Magistrate, Barh, Patna in Complaint Case No. 45 of 2012.

The case of the Complainant is that she was married to the Petitioner No. 1 in 2006 whereafter she went to her matrimonial home. However, she was tortured for ends of dowry and even after birth of a female child she was ousted from the matrimonial home.

It appears from the Petition filed herein that the Opposite Party No. 2 had also instituted Nimchak Bathani P.S. Case No. 66 of 2011 on 03.11.2011 against the Petitioner No. 1 and on the same allegation present Complaint has been instituted. The Petitioner No. 1 had also filed Complaint Case No. 2107 of 2011 on 15.12.2011 against the Complainant and her other family members.

From the Complaint Petition filed herein, I do not find any specific instance of torture at the hands of the Petitioners who are either a Mediator, co-villagers or the married sisters-in-law and their husbands. It does not stand to reason that they would have interfered with the affairs of the Complainant. It further appears that the husband had also a grouse against the Complainant on account of which the present dispute has arisen.

On the other hand, Counsel for the Complainant submits that since all the Petitioners had



tortured her they should be put on trial.

In view of the above discussion, the proceeding including the order of cognizance dated 21.06.2012 passed by the Sub-divisional Judicial Magistrate, Barh, Patna in Complaint Case No. 45 of 2012 is, hereby, set aside so far as the Petitioners No. 2 to 7 are concerned.

The Court below is directed to see as to whether the facts of Nimchak Bathani P.S. Case No. 66 of 2011 and the present Complaint are the same and in case if he is satisfied he shall amalgamate them in the interest of the justice.

The application stands disposed off with aforesaid observations.

(Anjana Prakash, J.)

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