

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18297 of 2011

Arising Out of PS.Case No. -155 Year- 2009 Thana -null District- PATNA

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1. Vijay Chowdhary,
 2. Sanjay Chowdhry @ Munna, both S/O Mr. Roop Narain Chowdhary,
 3. Sudha Chowdhary, W/O Vijay Chowdhary, all R/O Chowdhry Niwas, Mohalla - Makhaniya Kuan, P.S. Pirbahore, District - Patna

.... Petitioner/s

Versus

1. Annu Jaiswal, D/O Mr. Shyam Narain Jaiswal, R/O Rai Jaikrishna Road, Mohalla- Gorhatta, P.S. Khajekalan, Patna City, District - Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S. A. Ahmad, Advocate

For the Opposite Party/s : Mr. Binod Kumar, Advocate

Ms. Soni Srivastava, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 09-09-2015

The Petitioners, who are the in-laws, seek quashing of order of non-discharge dated 25.04.2011 passed by the Sub-Divisional Judicial Magistrate, Patna, in Pirbahore P.S. Case No.155 of 2009.

The case of the Complainant is that she was married to Abhay Choudhary on 06.05.2007 on which occasion large number of gifts were given to the in-laws. However, the accused persons started torturing her for additional dowry and when demands were not fulfilled, she was tortured.

It has been submitted on behalf of the Petitioners that it

is impossible to believe that a lady, who is fully educated and married in the year 2007, would have been tortured for ends of dowry. In fact, the main grouse was against the husband against whom she had filed a petition before the Bihar State Women Commission, whereas, the allegation against the Petitioners are concerned, they are vague and non specific.

On the other hand, counsel for the Informant submits since the Petitioners are the in-laws, they are duty bound to ensure that there was good relationship between the spouses and hence, they should be put on trial.

Having considered the nature of allegation against the Petitioners, their relationship as also other accompanying documents annexed with the petition, the order of non-discharge dated 25.04.2011 passed by the Sub-Divisional Judicial Magistrate, Patna, in Pirbahore P.S. Case No.155 of 2009, is hereby quashed so far as the Petitioners are concerned.

The application stands **allowed**.

(Anjana Prakash, J)

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