

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44524 of 2011

Arising Out of PS.Case No. -158 Year- 2010 Thana -null District- SEKHPURA

1. Naresh Kumar @ Naresh Kumar Singh S/O Bhuneshwar Singh
2. Kiran Devi W/O Naresh Kumar
3. Rakesh Kumar S/O Naresh Kumar
4. Avinash Kumar Singh S/O Naresh Kumar, all are Resident Of Village -
Manpura , P.S. - Dariyapur , District - Saran.

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. A.M.P. Mehta, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-08-2015

The Petitioners, who are parents-in-law and brothers-in-law (Dewar) of the daughter of the Informant, seek quashing of the order of cognizance dated 17.11.2011 passed by the Sub Divisional Judicial Magistrate, Sheikhpura in Barbiga P.S. case No.158 of 2010 (G.R. No.585 of 2010).

The case of the Informant is that his daughter was married to Deepak Kumar on 9.5.2009, on which occasion gifts and money were given to the in-laws. However, when she went to the matrimonial home she was tortured for ends of dowry. On 1.6.2010 Deepak Kumar and others came to his house and started demanding television etc and then stole her jewellery and fled away. It was alleged that Deepak Kumar had married another girl on 6.6.2010.

It has been submitted on behalf of the Petitioners that

fact of the matter is that the daughter of the Informant stayed merely for 20 days in the matrimonial home. Moreover, it appears from the narrative of the First Information Report that the main grouse is against the husband, who had allegedly remarried. Where the Petitioners are concerned, they had no role to play in the entire transaction.

On the other hand, the Counsel for the Informant submits that since his daughter was tortured by the entire family, the Petitioners should be put on trial.

On going through the contents of the First Information Report, I find that there is no specific instance of any torture having been meted out by the Petitioners and hence their trial would be a nullity.

In such circumstances, the application is allowed and the proceedings so far as the Petitioners are concerned including the order of cognizance dated 17.11.2011 passed by the Sub Divisional Judicial Magistrate, Sheikhpura in Barbigha P.S. case No.158 of 2010 (G.R. No.585 of 2010) is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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