

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 40236 of 2011

Arising out of P.S. Case No. -1409 Year- 2010 Thana –Complaint
Case District- WESTCHAMPARAN (BETTIAH)

- =====
1. Ajay Kumar, S/o Late Badri Manjhi Permanent Resident of Village-Machchhrgawa Purab Tola, P.S. Yogapatti, Dist- West Champaran Present Resident of Near S.D.O. Office, P.O. and P.S. Bagaha Bazar, Dist.- Bagaha.
 2. Dulari Devi W/o Late Badari Manjhi Resident of Village-Machchhrgawa Purab Tola, P.S. Yogapatti, Dist- West Champaran.
- Petitioner/s

Versus

1. The State of Bihar.
 2. Premsheela Devi D/o Paras Paswan and wife of Ajay Kumar Present Resident of Village-Chaitapur, P.S. Shikarpur, District- West Champaran.
- Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. A. N. Verma, Adv.

For the Opposite Party/s: Mr. APP.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 22-09-2015

The Petitioners seek quashing of the order of cognizance dated 09.02.2011 passed by the Sub-divisional Judicial Magistrate, West Champaran at Bettiah in Complaint Case No. 1409C of 2010.

The case of the Complainant is that she was married to the Petitioner No. 1 on 01.05.2004 but subsequently she was tortured for ends of dowry and on account of non-fulfilment of the same they ousted her from the matrimonial home. On 12.06.2009, the Petitioner No. 1 took her from the Court of Principal Judge, Bettiah on condition that he would keep her well but he once again tortured her and, hence, the present Complaint.

It has been submitted on behalf of the Petitioners that fact of the matter is that the Complainant had abandoned

her matrimonial home on account of which the husband having no other legal remedy filed the Matrimonial Case No. 46 of 2009 for restitution of conjugal rights. It is in said matrimonial case that the Sessions Judge attempted reconciliation and sent the Complainant to the matrimonial home but once again she left the same. A year later, she filed the present Complaint obviously with a view to create a defence in the matrimonial suit filed on behalf of the Petitioner. In fact, the Bagaha Police had also conducted inquiry into the affairs of the spouses and had obviously reported against the Complainant.

On the other hand, Counsel for the Complainant submits that she was always ready to settle the dispute.

However, I find that several attempts had been taken even at this level to settle the same but nothing happened.

Hence, the entire proceeding as against all the accused persons including the order of cognizance dated 09.02.2011 passed by the Sub-divisional Judicial Magistrate, West Champaran at Bettiah in Complaint Case No. 1409C of 2010 is, hereby, set aside.

The Application stands allowed without prejudice to the right of the parties.

(Anjana Prakash, J.)

Vikash/-

U		T	
---	--	---	--