

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31433 of 2014

Arising Out of PS.Case No. -34 Year- 2009 Thana -GAYA KOTWALI District- GAYA

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1. Dilshad Son of Md. Israil Khan
 2. Md. Mansoor Son of Md. Israil Khan
 3. Nuraija Khatoon Wife of Md. Israil Khan
 4. Md. Nasir Son of Lakho Mian, All Resident of Village-Bharaithi, P.S.-Wazirganj, District-Gaya.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rizwana Khatoon Daughter of Mobarak, Wife of Dilshad, All Resident of Village-Bharaithi, P.S.-Wazirganj, District-Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ambika Bhagat, Advocate

For the Opposite Party/s : Mr. C. Sen Pd. Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-09-2015

Learned Counsel for the Petitioners seeks permission to withdraw the application so far as the Petitioner No.1 is concerned.

The application as against the Petitioner No.1 is dismissed as withdrawn.

The rest of the Petitioners are the in-laws of Opposite Party No.2, who seek quashing of the order dated 28.5.2014 passed by the Adhoc Additional Sessions Judge 1st, Gaya in Criminal Revision No.3 of 2013/37 of 2013, by which he has upheld the order of cognizance dated 20.12.2012 passed by the Sub Divisional Judicial Magistrate, Gaya in G.R. No.370 of 2009 (Kotwali P.S. case No.34 of 2009 Trial No.1154 of 2012).

The case of the Informant is that she was married to the

Petitioner No.1 in the year 2005, after which she went to her matrimonial home. However she was being tortured for ends of dowry and her husband threatened to perform a second marriage and he did so.

It has been submitted on behalf of the Petitioners that as is apparent from the Complaint Petition that the main grouse of dispute in the relationship is not dowry but souring of relationship between the husband and wife which had led to threats of second marriage. It is impossible to believe that the Petitioners would have tortured the Informant for four years.

On the other hand, the Counsel for the Informant submits that since the Petitioners were in-laws they should also be put on trial.

Having considered the vague nature of allegations as against the Petitioners and the main thrust of the allegations being against the husband, the application is allowed and the proceeding including the order dated 28.5.2014 passed by the Adhoc Additional Sessions Judge 1st, Gaya in Criminal Revision No.3 of 2013/37 of 2013 as also the order of cognizance dated 20.12.2012 passed by the Sub Divisional Judicial Magistrate, Gaya in G.R. No.370 of 2009 (Kotwali P.S. case No.34 of 2009 Trial No.1154 of 2012) is hereby set aside so far as the Petitioners No.2 to 4 are concerned.

Narendra/-

(Anjana Prakash, J)

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