

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7469 of 2014

Arising Out of PS.Case No. -16 Year- 2013 Thana -MAHILA P.S. District- SARAN

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1. Triloki Prasad @ Triloki Nath Prasad S/O Late Dinanath Prasad
 2. Geeta Devi W/O Sri Triloki Prasad @ Triloki Nath Prasad
 3. Sharswati Devi W/O Late Shankar Prasad
 4. Dilip Prasad S/O Late Shankar Prasad All Are Resident Of Village Shadhpur, P.S. Daudpur, District Saran.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Priyanka Devi W/O Late Jiut Prasad, D/O Sri Raj Kumar Singh R/O Village Chhatradhari Bazar (Gyanisah Chowk), P.S. Bhagwan Bazar, P.O. Bhagwan Bazar, District Chapra, Saran.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. S. Dayal, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 08-10-2015

No one appears on behalf of the Opposite Party No.2.

The Petitioners seek quashing of the order of cognizance dated 26.10.2013/7.12.2013 passed by the Chief Judicial Magistrate, Saran at Chapra in Mahila Thana P.S. case No.16 of 2013.

The case of the Informant is that she was married to Jiut Prasad on 22.12.2010, after which she started living in the matrimonial home. However, she was tortured for ends of dowry and assaulted. She suspected that the husband had illicit relationship with his aunt, who poured hot water upon her and drove her out from the matrimonial home. She then learnt that her husband was suffering

from Hepatitis-B.



It has been submitted on behalf of the Petitioners that fact of the matter is that the husband of the Informant was suffering from Hepatitis-B, due to which the Informant did not want to live with him and started living in the maternal home. Then Jiut Prasad filed a petition for restitution of conjugal rights before the Principal Judge, Family Court, Chapra on 7.12.2012. Then panchnama was prepared on 22.5.2013 by which the parties agreed to dissolve the marriage on payment of Rs.3 lacs which was deposited by the bridegroom and the articles were returned by proper documentation. The further submission is that after the money was received by the Informant with malicious intention she filed the present First Information Report. About three months later Jiut Prasad, her husband, died on account of hepatitis-B and pressure of the police. When the husband died the Informant filed Title Suit No.848 of 2013 to partition the property of Jiut Prasad. Evidently the Informant right from the start was only interested in the property of matrimonial home and did not wish to fulfil her obligations as a wife or daughter-in-law.

Having considered the documents filed along with the petition, I am inclined to agree with the said submissions. Hence, the application is allowed and the proceedings including the order of cognizance dated 26.10.2013/7.12.2013 passed by the Chief Judicial

Magistrate, Saran at Chapra in Mahila Thana P.S. case No.16 of 2013
without prejudice to either party is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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