

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 21349 of 2014

Arising out of P.S. Case No. -1085 Year- 2012 Thana -PATNA
COMPLAINT CASE District- PATNA

- =====
1. Chinta Devi Wife of Ramanand Ram @ Ramanand Prasad.
 2. Ramanand Ram @ Ramanand Prasad Son of Balgovind Ram.
Resident of Village- Ramchandrapur Gandhi Nagar, P.S- Laheri,
District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar
2. Babita Devi Wife of Mukesh Kumar R/o Village- Taraura, P.S-
Daniyawa, District- Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Satya Ranjan Sinha, Adv.
For the State : Mr. Tapeswar Sharma, APP.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 01-10-2015

No one appears on behalf of the Opposite Party

No. 2.

The Petitioners who are the parents-in-law seek quashing of the order of cognizance dated 05.03.2013 passed by the Sub-divisional Judicial Magistrate, Patna City, Patna in Complaint Case No. 1085 of 2012.

The Case of the Complainant is that she was married with Mukesh Kumar on 07.05.2009 after which she came to her matrimonial home. However, the accused persons started torturing her after two years of peaceful marriage and then she was ousted from the matrimonial home. The husband thereafter came to her matrimonial home and misbehaved with her and her family members.

It has been submitted on behalf of the Petitioners that they are the parents-in-law of the Opposite Party No. 2 and the entire case is concocted. In fact, it was they who were tortured on account of which the Petitioner No. 1 instituted Laheri P.S. Case No. 232 of 2013 in which charge-sheet was submitted against the Complainant and others on 30.09.2013. No specific instance of torture has been given. Moreover, it does not stand to reason that a person who would be living peacefully for two years after marriage would subsequently be tortured for ends of dowry.

On going through the Complaint Petition, I am inclined to agree with the submission of the Petitioners.

Hence, the proceeding including the order of cognizance dated 05.03.2013 passed by the Sub-divisional Judicial Magistrate, Patna City, Patna in Complaint Case No. 1085 of 2012 is, hereby, set aside so far as the Petitioners are concerned.

The Application stands allowed.

(Anjana Prakash, J.)

Vikash/-

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