

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19379 of 2012

Arising Out of PS.Case No. -548 Year- 2011 Thana -null District- PATNA

=====

1. Surya Deo Prasad S/O Late Parmeshwar Mahto
2. Veena Devi W/O Suryadeo Prasad
3. Sumitra Devi W/O Devendra Prasad
4. Kanti Devi @ Suman Devi W/O Late Anil Prasad, Resident Of Mohalla-
Vivekbihar Hanuman Nagar, P.S- Patrakar Nagar, Distt- Patna.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Pushpa Kumari @ Pushpa Devi W/O Sarun Kumar R/O Vivek Bihar, Hanuman
Nagar, P.S- Patrakar Nagar, Distt- Patna, At Present C/O Awadhesh Pd. Saketpuri,
Mahasir Nagar, P.S- Patrakar Nagar, District- Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Pd. Singh, Advocate
For the Opposite Party/s : Mr. Amrendra Kr. Sinha, APP
For Opposite Party No.2 : Mr. Ajay Kumar Sinha, Advocate

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 16-02-2015

The Petitioners, who are the parents-in-law and the sisters-in-law (Nanad), seek quashing of the order of cognizance dated 8.4.2011 passed by the court of Smt. Jyoti Kumari, Judicial Magistrate, 1st class, Patna in Complaint case No.548C of 2011.

The case of the Complainant is that she was married on 16.4.2009 to Sarun Kumar, after which she came to her matrimonial home. Even though her parents had given sufficient dowry but she was tortured for demands of more. The in-laws kept all the articles she had brought with her. Her husband later left his job and started a

Coaching Institute on the direction of the accused persons and started to demand Rs.10 lacs for purchasing a house in Delhi and car. When she protested, she was physically assaulted. Several attempts were made to settle the dispute but nothing fructified.

It has been submitted on behalf of the Petitioners that there is no specific overt act alleged against them and fact of the matter is that the husband of the Complainant had filed Matrimonial (Divorce) case No.740 of 2010 for declaring the marriage null and void on 4.11.2010. After notices were served upon her, so as to create a defence, the present Complaint was filed on 28.2.2011.

On the other hand, the Counsel for the Complainant submits that since the Petitioners are close relatives of her husband,, who was torturing her for money and buying a house in Delhi and car, they should also be prosecuted.

Having gone through the facts of the case as well as the background facts, I would be inclined to hold that where the present Petitioners are concerned, there being no direct complicity the prosecution would be gross abuse of the process of the Court and hence deserves to be set aside.

Hence, the application is allowed and the proceeding so far as the Petitioners are concerned including the order of cognizance dated 8.4.2011 passed by the court of Smt. Jyoti Kumari, Judicial

Magistrate, 1st class, Patna in Complaint case No.548C of 2011 is hereby set aside.

However, the quashment of the present proceeding shall have no bearing on any other prosecution.

(Anjana Prakash, J)

Narendra/-

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