

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 41778 of 2009

Arising out of P.S. Case No. -0 Year- null Thana -null
District- SASARAM (ROHTAS)

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Mamta Srivastav, Wife of Sri Ambrish Kumar Srivastav, Resident of
House No. 2/694, Sector-L Near Smriti Upwan, Ashiana, Lucnow
(U.P.). Petitioner/s

Versus

1. The State of Bihar.
 2. Priyanka Srivastava, Daughter of Shchiendra Nath Srivastav,
Mohalla-Awadesh Aabha Niwas behind C.M.C. Kaliasthan,
Sasaram, District-Rohtas. Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 25-08-2015

The Petitioner seeks quashing of the order of
cognizance dated 22.10.2008 passed by the Sub-
divisional Judicial Magistrate, Sasaram in Complaint
Case No. 942 of 2008.

The case of the Complainant is that she was
married to the brother of the Petitioner on 09.12.2003
after which she went to her matrimonial home. However,
all the accused persons tortured her for ends of dowry
and, hence, the present Complaint.

It has been submitted on behalf of the
Petitioners that the Petitioner is the married sister-in-law
who was married in the year 1996 i.e. much before the
marriage of the Complainant and ever since then she is

living in Lucnow. She had no reason for interfere with domestic affairs of the Complainant and her husband. Even though specific allegation has been levelled against her, evidently, it is only with a view to harass her.

On the other hand, Counsel for the Complainant submits that in the nature of allegations the Petitioner who used to live in her maternal home and used to interfere in the family affairs she should be put on trial.

Having considered the duration of marriage and the relation-ship between the parties, I would be inclined to hold that the present prosecution is unwarranted and deserves to be set aside.

Hence, the proceeding as against the Petitioner including the order of cognizance dated 22.10.2008 passed by the Sub-divisional Judicial Magistrate, Sasaram in Complaint Case No. 942 of 2008 is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J.)

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