

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 36320 of 2014
Arising out of P.S. Case No. -696 Year- 2012 Thana -BHOJPUR
COMPLAINT CASE District- BHOJPUR

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1. Nand Jee Singh, S/o Sri Raj Kishore Singh ,
 2. Seema Singh @ Seema Devi, Wife of Sri Nand Jee Singh both are resident of Baruin , P.S. - Jamania , District Gazipur (U.P) at present residing at 32P- Sector 40, Gurgaon - 122001 (Haryana) .
 3. Hema Singh @ Dharmi Devi , Wife of Sri Abhay Singh and daughter of Sri Raj Kishore Singh , R/o Baruin , P.S . -Jamania , District - Gajipur (U.P.) .

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Kavita Devi, Daughter of Sri Bishwanath Singh and Wife of Sri Harishchandra Singh , R/o Village Khanani Kala, P.S. Agiyaw Bazar, District - Bhojpur .

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 16-07-2015

Supplementary-Affidavit has been filed bringing on record the certified copy of the order dated 02.05.2015 by which the Sub-divisional Judicial Magistrate, Arrah has taken cognizance in Tr. No. 3575 of 2013 after the matter was remanded by the 1st Additional Sessions Judge, Bhojpur at Arrah in Cr. Rev. No. 154 of 2013 by order dated 04.07.2014. Now this is impugned order.

The case of the Complainant is that she was married to Harischandra Singh on 12.05.2007 i.e. the brother of Petitioner No. 1. During the marriage, some gifts were given to the in-laws but they were not satisfied and started demanding a motor-cycle and some additional money. When the same was not provided she was variously tortured and assaulted by all

the accused persons including the present Petitioners. In the year 2011, she was driven out from the matrimonial house whereafter she was living in her maternal home.

It has been submitted on behalf of the Petitioners that they are living separately since a long time as is evident from address given in the petition. Also on perusal of Complaint Petition there is no direct material against them. Considering this aspect initially Court did not proceed against them but the Complainant went in revision which remanded the case and fresh cognizance was taken. It is under these circumstances that the Petitioners seek quashing.

On the other hand, Counsel for the Complainant submits that since the Petitioners are close family members they should also be tried.

Having gone through the nature of allegations as against the petitioners, the proceeding including the order dated 02.05.2015 by which the Sub-divisional Judicial Magistrate, Arrah has taken cognizance in Tr. No. 3575 of 2013 after the matter was remanded by the 1st Additional Sessions Judge, Bhojpur at Arrah in Cr. Rev. No. 154 of 2013 by order dated 04.07.2014 is, hereby, set aside so far as the Petitioners are concerned.

The application stands allowed.

(Anjana Prakash, J.)

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