

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21030 of 2011

Arising Out of PS.Case No. -0 Year- null Thana -null District- PATNA

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1. Dharmendra Kumar, son of late Chandesh Prasad
 2. Vimla Devi, wife of late Chandesh Prasad
 3. Vinita Devi, daughter of late Chandesh Prasad

All resident of village Nawadah, Bichala Tola, P.S. Phulwari Sharif, Distt. Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Kumari Priti, daughter of Sri Raj Kumar Mahto, r/o Mohalla Sanjay Nagar, Nauratanpur, Tola Main Road, P.S. Kankarbagh, Distt. And Town Patna.

.... Opposite Party/s

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Appearance :

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

Mr. Rakesh Kumar, Adv.

For the State : Mr. Sanjay Kr. Tiwary No. 1, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 17-03-2015

The learned counsel for the Petitioner seeks permission to withdraw the application so far as the Petitioner No. 1 is concerned.

The application of Petitioner No. 1 is dismissed as withdrawn.

The rest of the Petitioners who happen to be the mother-in-law and sister-in-law seek quashing of the order of cognizance dated 13.4.2011 passed by the Judicial magistrate, 1st Class, Patna.

The case of the Complainant is that she was married to the Petitioner No. 1 on 18.4.2009 on which occasion a large number of gifts were given to the in-laws but once she entered into her matrimonial home, she was tortured for ends of dowry. The parents of the Complainant attempted to finally settle the matter but the accused

refused to keep the Complainant and the husband took a number of her signatures on plain paper on coercion. On 2.1.2011, the accused persons sprinkled kerosene oil but she somehow escaped.

The counsel for the Petitioners submits that it is impossible to believe that a person would be tortured for ends of dowry for two years and the manner of occurrence given by her is evidently absurd and unbelievable. Moreover, in her deposition, she has stated that she lived with her husband only for three days.

On the other hand, the counsel for the Complainant submits that the accused persons have been playing a fraud upon her and in fact at one point in time, she was even compelled to file Matrimonial Case No. 272 of 2010 which on enquiry was found to be without her consent.

Having gone through the facts of the case, I would be inclined to hold that the Prosecution so far as the present Petitioners are concerned is unwarranted.

Hence, the application is allowed in their regard and the proceeding including the order of cognizance dated 13.4.2011 passed by the Judicial magistrate, 1st Class, Patna, is hereby set aside.

(Anjana Prakash, J)

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