

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40315 of 2014

Arising Out of PS.Case No. -1052 Year- 2011 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

=====

1. Ramesh Chaurasia Son of Shree Bhagwan Chourasia
2. Shree Bhagwan Chourasia Son of Late Satya Narayan Chourasia
3. Kamlawati Devi Wife of Shree Bhagwan Chourasia, all Resident of Village &
P.O. - Akaruna, P.S. - Piro, Distt. - Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Reema Devi Wife of Ramesh Chourasia, Daughter Sudarsha Chourasia,
Resident of Village - Lalganj Yadu, Tola, Nokha, P.S. - Nokha, Distt. - Rohtas.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Nil Kamal, Advocate
For the Opposite Party/s : Ms. Anuradha Singh, APP
For Opposite Party No.2 : Mr. C. Mishra, Advocate

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 20-08-2015

Learned Counsel for the Petitioners seeks permission to
withdraw the application so far as the Petitioner No.1 is concerned.

Application as against the Petitioner No.1 is dismissed as
withdrawn.

The Petitioners No.2 and 3, who are parents-in-law of the
Opposite Party No.2, seek quashing of the order of cognizance dated
21.5.2013 passed by the S.D.J.M., Sasaram in Complaint case
No.1052 of 2011 (Trial No.1769 of 2013).

The case of the Complainant is that she was married to
the Petitioner No.1 in June, 2010, on which occasion large numbers of
gifts were given to the in-laws. However they were not satisfied and
when she went to her matrimonial home they tortured her for

additional dowry. She was not accepted in the matrimonial home, on account of which repeated threats were given that the husband would be remarried. She was then ousted from the matrimonial home, at which she filed the present Complaint.

It has been submitted on behalf of the Petitioners that fact of the matter is that the Complainant stayed only for a very short while in her matrimonial home and she did not like her husband. She left the matrimonial home willingly and failed to return, due to which her husband filed an application under Section 9 of the Hindu Marriage Act. It is for this reason, that to create a defence, the present Complaint was filed.

On the other hand, the Counsel for the Complainant submits that since the Petitioners are the parents-in-law, who were duty bound to ensure matrimonial harmony, they should be put on trial.

Having considered the vague nature of allegations against the Petitioners as also the background facts, the application is allowed and the proceeding including the order of cognizance dated 21.5.2013 passed by the S.D.J.M., Sasaram in Complaint case No.1052 of 2011 (Trial No.1769 of 2013) is hereby set aside so far as the Petitioners No.2 and 3 are concerned.

(Anjana Prakash, J)

Narendra/-

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