

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12260 of 2011

Arising Out of Complaint Case No. 760 Year- 2010 District- NAWADA

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1. Laxmi Devi, Wife Arvind Pandit
2. Arvind Pandit, S/O Late Sarju Pandit
Both resident of village Panchu, near house of Rajo Thikedar, P.S. Hisua, Distt. Nawadah.
3. Ramesh Pandit, S/O Rajendra Pandit
4. Rekha Devi, wife of Ramesh Pandit
Petitioners No. 3 and 4 are R/O Mohalla Katra Chowk, P.S. and District - Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar
2. Nilam Devi, wife of Ashish Pandit, resident of Mohalla Katra Chowk Sheikhpura, P.S. and Distt. Sheikhpura, at present Hari Pandit, son of late Dhamra Pandit, resident of Mohalla Surhi Tola, Panchu, P.S. Hisua, Distt. Nawadah.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Pravesh Kumar-I, Adv.
For the State : Mr. M.K. Khare, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 02-02-2015

Heard learned counsel for the Petitioners and the State.

In the nature of dispute between the Parties, the matter was referred to the Mediation Centre but unfortunately, none of the Parties appeared there and, hence, this Court is proceeding to hear the matter on merits.

The Petitioners who are sister-in-law (Nanad), her husband and brother-in-law(Bhainsur) and his wife seek quashing of the order of cognizance dated 10.1.2011 passed in Complaint Case

No. 760 of 2010 by the Sub Divisional Judicial Magistrate, Nawadah, so far as they are concerned.

The case of the Complainant is that she was married to Ashish Pandit on 21.6.2008 after which she came to her matrimonial home. At the time of marriage, huge amount of gifts were given to the in-laws but unfortunately, they kept torturing her for ends of more dowry and finally she was sent to her maternal home.

It has been submitted that the Petitioner No. 1 was married with the Petitioner No. 2 about 25 years ago and they lived separately in Nawada having no concern with the Complainant and her husband whereas Petitioners No. 3 and 4 used to live in Sheikhpura. In fact, the husband had filed an application under Section 9 of the Hindu Marriage Act before the Principal Judge, Family Court, Nawadah, where the Complainant appeared and stated that she did not want to live in the matrimonial home nor resume her relationship with the husband. Moreover, it seems highly improbable that a person would be tortured for two years for ends of dowry by her in-laws and that also even after birth of a child.

On the other hand, the counsel for the Complainant submits that since the Petitioners are close family members who were responsible for matrimonial harmony and, therefore, they should be put on trial.

However, on going through the background facts as also narrative in the Complaint petition, I would be of the view that there is a complete paucity of specific role with regard to the present Petitioners to make out an offence under Section 498A and, hence, the application is allowed and the entire proceeding including the order of cognizance dated 10.1.2011 passed in Complaint Case No. 760 of 2010 by the Sub Divisional Judicial Magistrate, Nawadah, so far as the Petitioners are concerned, is hereby, set aside.

(Anjana Prakash, J)

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