

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22189 of 2012

Arising Out of PS.Case No. -533 Year- 2010 Thana –Madhepura District- Madhepura

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1. Ritesh Kumar, son of Nawal Prasad Yadav @ Nawal Kishore Yadav
 2. Nawal Prasad Yadav @ Nawal Kishor Yadav, son of Late Shiv Narain Yadav,
 3. Kalpana Devi, wife of Nawal Prasad Yadav,
All are residents of Village-Jaypal Patti, Ward No. 26, Madhepura, Police
Station + District- Madhepura
 4. Sanju Kumari, wife of Rajiv Kumar, resident of Village-Rauta, Police Station-
Sour Bazar, District-Saharsa

.... Petitioner/s

Versus

1. The State of Bihar
2. Kumari Sabnam Bharti, wife of Ritesh Kumar, daughter of Uttam Lal Yadav,
resident of Village- Chakla, Post Office-Dhanchuha, Police Station-Sour Bazar,
District-Saharsa

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 02-03-2015

The learned counsel for the Petitioners seeks permission to withdraw the application with regard to Petitioner No. 1.

The rest of the petitioners, who are the father-in-law, mother-in-law and sister-in-law (Nanad) of the complainant, have prayed for quashing of the order of non-discharge dated 26.04.2012 passed by the F.T.C.-III, Madhepura in Sessions Trial No. 202 of 2011 (arising out of Madhepura P.S. Case No. 533 of 2010).

The case of the informant is that she was married to the petitioner no. 1 on 24.02.2010 when



large number of gifts were given to the in-laws. However, the in-laws started demanding the transfer of a certain piece of land to which the informant refused. Her husband then assaulted her with fists, slaps and lathi on the orders of the parents in-laws. They also started to regularly ill-treat her for demand of some articles or the other. It was then that the present First Informant Report was instituted.

It has been submitted on behalf of the petitioners that the gist of the matter is that the informant after marriage had gifted a sum of Rs. 1,50,000/- in cash and ornaments to her husband and there was no demand of dowry by the present petitioners. Also, the Petitioner No. 3 is a married lady and has no concern with the affairs of her brother. The Doctor, who treated the informant found no sign of poisoning, as alleged by her, as also there is no specific overt act alleged against the petitioners.

On the other hand, the Counsel for the informant submits that since the husband has re-married, the rest of the petitioners, who are family members should also be put on trial so as to settle the dispute and the husband be directed to pay her maintenance, as directed by the court below.

Considering the nature of allegations in the First Information Report reproduced above, which does not show the involvement of the present petitioners as also the marriage ended in a short period of eight months, I am inclined to allow the application so far as the present petitioners are concerned.

Hence, the proceeding including the order of non-discharge dated 26.04.2012 passed by the F.T.C.-III, Madhepura in Sessions Trial No. 202 of 2011 (arising out of Madhepura P.S. Case No. 533 of 2010) is hereby set aside.

The Application stands allowed.

(Anjana Prakash, J.)

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