

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18564 of 2012

Arising Out of PS.Case No. 85 Year- 2008 Thana -null District- BHABHUA (KAIMUR)

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1. Vishal @ Veenu Singh S/O Vishwamohan Singh, Resident Of Village- Akhlaipur, P.S.- Bhabua, District- Kaimur
 2. Laliteswar Singh @ Lallan Singh S/O Late Ramchandra Singh, Resident Of Village- Parasia, P.S.- Chainpur, District- Kaimur

.... Petitioner/s

Versus

1. The State Of Bihar
2. Nitu Singh w/o Vikash Singh & C/o Sh. Potan Singh, R/o village Betari, P.S. Bhabua, Distt. Kaimur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhakar Singh, Advocate
For the State : Mr. Upendra Kumar, APP
For Opposite Party No.2 : Mr. Kumar Sunil, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-08-2015

The Petitioners, who are brother-in-law (Dewar) and maternal grand father of the Complainant respectively, seek quashing of the order dated 27.3.2012 passed by the F.T.C. IInd, Kaimur at Bhabua in Sessions Trial No.227 of 2010 arising out of Bhabua P.S. case No.85 of 2008, by which he has rejected an application for discharge.

The case of the Complainant/Informant is that she was married to Vikash Singh on 18.4.2006, but after marriage she was tortured for ends of dowry. On 28.1.2008 in the evening the co-accused assaulted the Informant with fists and slaps and attempted to

burn her, but on alarm when the neighbours rushed she was saved. Subsequently she was tortured in the matrimonial home and hence the present Complaint.

It has been submitted on behalf of the Petitioners that fact of the matter is that the Petitioners had no reason for any grouse with the Complainant. She herself did not have cordial relationship with her husband, on account of which he had filed suit for divorce vide Matrimonial (Divorce) case No.82 of 2007 on ground of cruelty on 4.10.2007 before the Principal Judge, Family Court, Bhabua. When notices were issued to the Informant, she refused to receive it but subsequently she filed the present Complaint with trumped up charges. It is impossible to believe that a person who was surrounded by so many in-laws would not sustain any injury and would not complain for such a long time. In such circumstances, so far as the Petitioners are concerned, they should be exonerated from the prosecution.

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

Having considered the narrative of the Complaint Petition, gist of which is reproduced above, I am inclined to hold that putting the Petitioners on trial would be an abuse of the process of the

Court. Hence, the application is allowed and order dated 27.3.2012 passed by the F.T.C. IInd, Kaimur at Bhabua in Sessions Trial No.227 of 2010 arising out of Bhabua P.S. case No.85 of 2008 so far as the Petitioners are concerned is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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