

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46271 of 2014

Arising Out of Complaint Case No.609 Year- 2014 District- MUZAFFARPUR

1. Indu Devi, Wife of Rabhindra Nath Tiwary  
2. Rabindra Nath Tiwary, Son of Late Beni Madhaw Tiwary  
3. Dhananjay Kumar Tiwary, Son of Rabindra Nath tiwary  
All resident of Radhika Nagar, Kharanga Jhar, Near Radha Krishna Mandir P.S.  
Telco, Jamshedpur, Dist.-East Shinghbhum (Jharkhand)

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Puja Tiwary @ Lovely Wife of Dhananjay Kumar Tiwary, Resident of Radhika Nagar, Kharanga Jhar, Near adha Krishna Mandir, P.S. Telco, Jamshedpur, Dist.-East Shinghbhum (Jharkhand) A/P - D/O Ramadhar Pandey, Mohhalla - Bhagwanpur Chatti, Rewa Road, in front of Dharama Kanta, P.S. - Sadar, Dist.- Muzaffapur

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Mishra, Adv.

For the State : Mr. Indra Kr. Singh, A.P.P.

**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

ORAL JUDGMENT

**Date: 09-09-2015**

The spouses are present, but, there does not appear to any chance of settlement.

The counsel for the Petitioner seeks permission to withdraw the application so far as the Petitioner No. 3 is concerned to avail his other remedies.

The application so far as the Petitioner No. 3 is concerned, is dismissed as withdrawn.

Heard learned counsel for the Petitioner and the State.

Petitioners No. 1 and 2 who happen to be the parents-in-

law of the Opposite Party No. 2 seek quashing of the order of cognizance dated 3.9.2014 passed by the Sub Divisional Judicial Magistrate, East Muzaffarpur, in Complaint Case No. 609 of 2014, Trial No. 2302 of 2014.

The case of the Complainant is that she was married to the Petitioner No. 3 on 20.4.2007, whereafter, she went to the matrimonial home. However, she was not treated well and assaulted on account of which she had left the matrimonial home.

It has been submitted on behalf of the Petitioners No. 1 and 2 that fact of the matter is that the Opposite Party No. 2 did not want to live in matrimonial home and returned to her maternal home soon after marriage. On several occasions, attempts were made to get her back, but she did not return and filed the present Complaint as pressure tactics.

On the other hand, the counsel for the Complainant submits that since Petitioners No. 1 and 2 are parents-in-law they should have ensured good relations and having failed to do so, they should be put on Trial.

Having considered the status of the Petitioners as also duration of marriage and the nature of allegation in the Complaint petition, I would be inclined to allow the petition.

Hence, the application is allowed and the Proceeding

including the order dated of cognizance dated 3.9.2014 passed by the Sub Divisional Judicial Magistrate, (East) Muzaffarpur, in Complaint Case No. 609 of 2014, Trial No. 2302 of 2014, so far as the Petitioners No. 1 and 2 is concerned, is hereby set aside.

**(Anjana Prakash, J)**

S.Ali/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|