

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51579 of 2014

Arising Out of PS.Case No. -183 Year- 2012 Thana -KHODAWANPUR District- BEGUSARAI

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1. Ram Shukhit Singh S/o Late Mahabir Prasad Singh
2. Ramkumari Devi W/o Ram Shukhit Singh
3. Abhishek Kumar @ Harishankar Singh S/o Ram Shukhit Singh All are R/o vill.
- Meghaul, P.S. Khodawandpur, Distt. - Begusarai

.... Petitioner/s

Versus

1. The State of Bihar
2. Sangita Kumari D/o Balbhadra Prasad Singh R/o village - Pahshara, P.S.
Naokothi & District - Begusarai

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhesh Pandey, Advocate

For the State : Mr. Manoj Kumar, Advocate

For Opposite Party No.2 : Mr. Sandip Kumar Gautam, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 27-08-2015

Learned Counsel for the Petitioners seeks permission to
withdraw the application so far as the Petitioner No.3 is concerned.

Application as against the Petitioner No.3 is dismissed as
withdrawn.

The rest of the Petitioners, who happen to be the parents-
in-law of the Opposite Party No.2, seek quashing of the order of
cognizance dated 29.1.2014 passed by the S.D.J.M., Begusarai in
Khodawandpur P.S. case No.183 of 2012.

The case of the Informant is that she was married to
Petitioner No.3 on 5.7.2006 and she was living happily with him, in
course of which they were blessed with a child. However, later on the
accused persons started torturing her and the husband attempted to
divorce her. When she protested, she was attempted to be burnt but

somehow she was saved.

It has been submitted on behalf of the Petitioners that after due investigation final form was submitted in the matter but disagreeing with the final report the Magistrate took cognizance. In fact there was some incompatibility between the spouses, on account of which the parties entered into a compromise for filing a mutual divorce vide Matrimonial case No.112 of 2012 vide petition dated 4.3.2013. Accordingly on 19.3.2014 an order was passed dropping the proceeding. In this background the Petitioners submit that they should be exonerated from trial.

On the other hand, the Counsel for the Informant submits that since the Petitioners are the parents-in-law of the Opposite Party No.2, they should be put on trial.

Considering the factual aspects, I would be inclined to hold that the prosecution of the Petitioners No.1 and 2 is unwarranted and deserves to be set aside. Hence the application is allowed and the order of cognizance dated 29.1.2014 passed by the S.D.J.M., Begusarai in Khodawandpur P.S. case No.183 of 2012 is hereby set aside so far as the Petitioners No.1 and 2 are concerned.

(Anjana Prakash, J)

Narendra/-

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