

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37166 of 2009

Arising Out of Complaint Case No. 793C Year- 2005 Thana -null District- BHOJPUR

Suresh Rajak Arya, son of late Jhulkan Rajak, resident of Mohalla Murtunganj, P.S. Mehdiganj, Distt. Patna.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Indu Devi, wife of Suresh Rajak, daughter of Baban Prasad at Sarthua, P).S. Udwant Nagar, Distt. Bhojpur.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Adv.

For the State : Mr. A. Sharma, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 17-08-2015

No one appears on behalf of the Opposite Party No. 2.

The Petitioner who is the husband of the Opposite Party No. 2 seeks quashing of the order of cognizance dated 12.1.2006 passed by the Judicial Magistrate, Ara, in connection with Complaint Case No. 793C of 2005.

The case of the Complainant is that she was married to the Petitioner in the year 1993 according to Hindu rites after which she went to her matrimonial home. However, she was tortured for failure of transfer of the house in her name by her parents, and, hence, the present Complaint.

It has been submitted on behalf of the Petitioner that the

present Complaint is totally false. In fact, the Petitioner had purchased the land and the house in the name of the Complainant at Patna City for which a Title Suit is pending before the relevant Court. The wife taking advantage of the said transfer in her name had fled away with the documents.

Considering that it is impossible to believe that a person would be tortured for ends of dowry even after fourteen years of marriage, the application is allowed and the Proceeding including the order of cognizance dated 12.1.2006 passed by the Judicial Magistrate, Ara, in connection with Complaint Case No. 793C of 2005, is hereby set aside.

(Anjana Prakash, J)

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