

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36652 of 2012

Arising Out of Complaint Case No. -80 Year- 2012 District- AURANGABAD

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1. Jai Narayan Sharma, S/O Shri Girish Sharma
 2. Girish Sharma, S/O Late Nanhak Sharma
 3. Ram Narayan Sharma, S/O Shri Girish Sharma
 4. Smt. Shradha Devi @ Sharda Devi, W/O Shri Girish Sharma
- All R/O Village - Nagain, P.S. Goh, District - Aurangabad

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sangita Devi, W/O Jay Narayan Sharma, R/O Village - Nagain, P.S. Goh, District - Aurangabad at present daughter of Shridhar Sharma, Village - Sohna, P.S. Mehendiya, District - Arwal

.... Opposite Party/s

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Appearance :

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

Mr. Bipin Kumar, Adv.

For the State : Mr. J. Upadhyay, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 14-09-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek Permission to withdraw the application so far as the Petitioner No. 1 is concerned to raise all the points at the relevant state.

The rest of the Petitioners who are in-laws seek quashing of the order of cognizance dated 23.8.2012 passed by the Sub Divisional Judicial Magistrate, Daudnagar, Aurangabad, in Complaint Case No. 80 of 2012.

The case of the Complainant is that she was married to



Petitioner No. 1 on 16.6.2010 on which occasion large number of gifts were given to the in-laws. Till 2005, the matrimonial life of the Complainant was peaceful but from April, 2006 demands started being made for a Motorcycle and she was tortured in various ways for non fulfillment of such dowry. Her husband also threatened her with prospects of her second marriage and ousted her from matrimonial home.

It has been submitted on behalf of the Petitioners that it is impossible to believe that a person who had been kept well in her matrimonial home for five years would be tortured, subsequently, for ends of dowry. Evidently, the grouse of the Complainant is with Petitioner No. 1 whom she suspected had remarried. The husband had also filed Matrimonial case No. 96 of 2012 praying for divorce which further validates the plea of the Petitioners.

On the other hand, the counsel for the Complainant submits that since she has been unfairly dealt with by her husband and the Petitioners did not come in her support, they should be put on trial.

Having considered the relationship of the Petitioners with the Complainant, duration of marriage and other documents on record, I am inclined to hold that the Prosecution of the Petitioners is unwarranted and deserves to be set aside.

Hence, the application is allowed and the Proceeding

including the order of cognizance dated 23.8.2012 passed by the Sub
Divisional Judicial Magistrate, Daudnagar, Aurangabad, in Complaint
Case No. 80 of 2012, so far as the Petitioners No. 2 to 4 are
concerned, is hereby set aside.

(Anjana Prakash, J)

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