

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.47708 of 2012**

Arising Out of PS.Case No. -13 Year- 2012 Thana -null District- PATNA

- =====
1. Meena Kumari @ Meena Sinha wife of Sri Trishuldhari Nath Verma
  2. Trishuldhari Nath Verma son of late Dina Nath Verma
  3. Manisha Kumari @ Manisha Sinha daughter of late Lalit Mohan Prasad Sinha,  
all resident of Hansraj Ki Deorhi, Lala Toli, P.S. Khajekalan, District Patna
- .... .... Petitioner/s

Versus

1. The State of Bihar
  2. Ashok Kumar S/o late Jamuna Prasad, resident of Mohalla Lohanipur, Bhushan  
Lane, Kadamkuan, P.S. Kadamkuan, Distt. Patna
- .... .... Opposite Party/s
- =====

**Appearance :**

For the Petitioner/s : Mr. Dhavendra Chaubey, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, APP

For Opposite Party No.2 : Mr. Manoj Kumar Sinha, Advocate

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

**ORAL JUDGMENT**

**Date: 17-08-2015**

The Petitioners, who are the Nanad and Nandosi of the daughter of the Complainant, seek quashing of the order of cognizance dated 18.9.2012 passed by the Additional Chief Judicial Magistrate, Patna City in Khajekalan P.S. case No.13 of 2012 (G.R. No.140 of 2012).

The case of the Informant is that he had married his daughter to the brother of Petitioners No.1 and 3 in June, 2010 whereafter she had gone to her matrimonial home. However, the accused persons started torturing her and even got forcible abortion.

It has been submitted on behalf of the Petitioners that there had been no transaction of dowry during the marriage and hence

the allegation with regard to the same after marriage is unjustified. In fact no signs of forcible abortion were found during investigation. Also in view of the relationship between the parties, it does not appear that they in any manner would have been involved in the occurrence.

On the other hand, the Counsel for the Informant submits that when the matter was referred to the Mediation Centre, it was expected that the husband would appear but he never did so and therefore, the Petitioners, who are close family members, should be put on trial.

Having considered the vague nature of allegations as also the relationship between the parties, the application is allowed and the proceeding including the order of cognizance dated 18.9.2012 passed by the Additional Chief Judicial Magistrate, Patna City in Khajekalan P.S. case No.13 of 2012 (G.R. No.140 of 2012) is hereby set aside so far as the Petitioners are concerned.

**(Anjana Prakash, J)**

Narendra/-

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