

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 38372 of 2014

Arising out of P.S. Case No. -496 Year- 2010 Thana -
MUZFFARPUR COMPLAINT CASE District- MUZAFFARPUR

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1. Rajan Kumar Son of Ramadhar Prasad Srivastava,
 2. Ramadhar Prasad Srivastava S/o Late Kailash Pd. Srivastava.
 3. Indira Sinha W/o Ramadhar Prasad Srivastava.
 4. Rina Kumari D/o Ramadhar Pd. Srivastava All are resident of Mohalla - Baikunthpuri, P.O. - Bairiya, P.S. - Brahampura, District- Muzaffarpur.
 5. Seema Kumari W/o Sandip Kumar Srivastava
 6. Sandip Kumar Srivastava D/o Late Amar Pd. Srivastav Both are resident of Mohalla - Dharam Samaj Chowk, P.O. and P.S. Motihari Town, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Soni Rani W/o Rajan Kumar Resident of Mohalla - Baikunthpuri, P.O. and P.S. Brahmpura, District - Muzaffarpur At present D/o Mohan Kumar, Mohalla - Bhagwanpur, P.O. - Brahampur, P.S. - Muzaffarpur Town, District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Md. Sufiyan, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 16-07-2015

Learned Counsel for the Petitioners seeks permission to withdraw the application with regard to the Petitioner No. 1, Rajan Kumar to avail his other remedy.

The application is dismissed as withdrawn with regard to Petitioner No. 1.

The Petitioners No. 2 to 6 seek quashing of the proceeding including the order of non-discharge dated 02.08.2014 passed by the Sub-divisional Judicial

Magistrate, (East) Muzaffarpur in C. No. 496 of 2010 (Tr. No. 1298 of 2014).

The case of the Complainant is that she was married to the Petitioner No. 1 on 12.05.2007 after which she started living a happy conjugal life. However, after some days the accused persons started demanding extra dowry and on non-fulfilment of the same she was tortured in various ways. She was also ousted from the matrimonial home on account of which she filed the present Complaint.

It has been submitted on behalf of the Petitioners that on going through the Complaint Petition there does not appear any specific instance of torture meted out at the hands of the Petitioners. Moreover, it is impossible to believe that the Petitioners No. 2 to 6 who were living at Motihari would have interfered in the day to day affairs of the Complainant and her husband. Apparently, they have been falsely implicated. It also appears that the main grouse of the Complainant is against the husband who had apparently remarried or was at least living with another lady.

On the other hand, the Counsel for the Complainant submits that since the Petitioners are close family members of the Petitioner No. 1 they should be put on trial.



Having considered the nature of allegations against the Petitioners, I would also be inclined to agree with the submission of the Petitioners that the case appears to have been filed on account of some incompatibility between the husband and wife i.e. Petitioner No. 1 and the Opposite Party No. 2 and the rest of the family members have been roped only by virtue of their relationship with Petitioner No. 1.

Hence, the proceeding including the order of non-discharge dated 02.08.2014 passed by the Sub-divisional Judicial Magistrate, (East) Muzaffarpur in C. No. 496 of 2010 (G.R. No. 1298 of 2014) is, hereby, set aside so far as the Petitioners No. 2 to 6 are concerned.

The Application stands allowed.

(Anjana Prakash, J.)

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