

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19332 of 2014

Arising Out of PS.Case No. -415 Year- 2010 Thana -MUNGER COMPLAINT CASE District-
MUNGER

- =====
1. Nand Kishore Gupta son of Bishnudeo Sah.
 2. Veena Devi wife of Nand Kishore Gupta Both resident of village - Chak Hussaini, PS - Mansi, District - Khagaria.
 3. Mitali @ Mitu Devi daughter of Nand Kishore Sah, wife of Sri Sanjay Kumar Both resident of village - Chak Hussaini, PS - Mansi, District - Khagaria, At present reside at her husband house at Barsoe Bazar, District - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Uma Kumari wife of Rajeev Kumar Gupta, daughter of late Rameshwar Sah resident of Mohalla - Purabsarai, PS - Kotwali, District - Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheel Bhadra Jha, Advocate

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

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 08-10-2015

The Petitioners are the parents-in-law and married sister-in-law of the Opposite Party No.2, who seek quashing of the order of cognizance dated 12.7.2010 passed by the S.D.J.M., Munger in Complaint case No.415C of 2010.

The case of the Complainant is that she was married to Rajiv Kumar Gupta on 11.12.2008, on which occasion large number of gifts was given to the in-laws. However, when she came to her maternal home on 18.1.2009 the mother-in-law kept her jewellery and all the family members started to demand a motorcycle. When the

same was refused she was tortured.

It has been submitted on behalf of the Petitioners that fact of the matter is that as stated by the Complainant she left her matrimonial home only after about a month and never returned after 18.1.2009. The allegations that the Petitioners have tortured her are false and fabricated. In fact the husband because of the conduct of the Complainant filed Matrimonial case No.46 of 2010 for restitution of conjugal rights, in which also the Complainant appeared and stated that since her husband was not medically fit, upon which the Court ordered that he be medically examined and it was found that the Complainant's stand was wrong. It was then on 17.10.2011 the Complainant filed Divorce case No.65 of 2012 for a decree of divorce. In this background evidently it appears that the present Complaint with trumped up charges of torture for ends of dowry is false and frivolous.

On the other hand, the Counsel for the Complainant submits that since the Petitioners are family members and had tortured her for demands of a motorcycle, they should be put on trial.

Having considered the background facts and series of litigations, I would be inclined to hold that the Petitioners should not be put on trial in the present Complaint. Hence, the application is allowed and the proceedings including the order of cognizance dated

12.7.2010 passed by the S.D.J.M., Munger in Complaint case No.415C of 2010 is hereby set aside so far as the Petitioners are concerned.

(Anjana Prakash, J)

Narendra/-

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