

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21224 of 2014

Arising Out of PS.Case No. -9 Year- 2010 Thana -NARHAT District- NAWADA

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1. Mantu Singh @ Pintu Singh S/o Nawal Kishore Prasad Singh
 2. Jai Ram Singh @ Jai Ram Prasad Singh
 3. Arjun Singh S/o Late Prabhu Singh
 4. Munni Devi W/o Jai Ram Singh
 5. Mamta Devi W/o Nawal Kishore Prasad Singh
 6. Nawal Kishore Prasad Singh @ Nawal Kishore Singh S/o Late Chandrika Singh
 7. Ravish Chandra S/o Nawal Kishore Prasad Singh All Resident of village- Poora, Police Station- Wazirganj, District- Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 08-10-2015

A supplementary affidavit has been filed stating therein that
Petitioner no. 4 has died therefore, his application has become
infructuous. Let the same be kept on record.

Learned counsel for the petitioners seek permission to withdraw
the application so far as the Petitioner no. 7 is concerned.

The prayer is allowed.

The rest of the petitioners who are in-laws seek quashing of the
order of cognizance dated 24.08.2011 passed by the Sub-Divisional
Judicial Magistrate, Nawadha in Narhat P.S. Case No. 09 of 2010.

The case of the informant is that she was married to Ravish

Chandra on 01.06.2009 on which occasion cash and gifts were given to the in-laws but when she reached the matrimonial home she was tortured for ends of dowry. Hence she filed the present case.

It has been submitted on behalf of the petitioners that the witnesses who belong to the informant's side, in their statements, stated that the informant left the matrimonial home on account of impotency of her husband, Petitioner no. 7. The Petitioner no. 7 being humiliated by the informant and her family members, got himself checked up by a reputed doctors who in his report, after several medical tests, opined that he was quite healthy and fully capable to lead a conjugal life. He then filed Complaint Case No. 1602 of 2009 before the Chief Judicial Magistrate, Gaya on 17.08.2009 against the wife and other family members under Sections 417 and 504/34 IPC. Notices were issued to the informant and others on 08.12.2009 and then the informant filed the present case as a counter blast on 31.01.2010 i.e. two months later. It is also submitted that these documents show that the allegations in the first information report are absolutely unreliable.

On the other hand the informant submits that since the petitioners were family members they should be put on trial.

Having considered the nature of allegation against the petitioners as also background facts of the previous complaint filed by

the husband, the application is allowed and the order of cognizance dated 24.08.2011 passed by the Sub-Divisional Judicial Magistrate, Nawadha in Narhat P.S. Case No. 09 of 2010 is hereby set aside so far as the rest of the petitioners are concerned.

(Anjana Prakash, J)

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