

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37076 of 2011

Arising Out of Complaint Case No.C.A. 2043, Year- 2010 District- KATIHAR

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1. Shobhin Das, Late Hinu Singh
 2. Helani Devi, W/O Shobhin Das

Both resident of village Jalla Harerampur, P.S. Pranpur, Distt. Katihar

.... Petitioner/s

Versus

1. The State of Bihar
2. Sumoti Devi, D/O Shankar Singh, resident of Vill Jalla Harerampur, P.S. Pranpur Katihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. P.K. Jaipuriyar, Adv.
Mr. Anshuman Jaipuriyar, Adv.
For the State : Mr. A.A. Khan, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 22-06-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners who were the parents-in-law of the Opposite Party No. 2 seek quashing of the order of cognizance dated 18.4.2011 passed by the Sub Divisional Judicial Magistrate, Katihar, in Complaint Case No. CA 2043 of 2010.

The case of the Complainant is that she was married to the son of the Petitioners three years ago and she lived in her matrimonial home. However, the in-laws of the Complainant started demanding dowry and finally, she was ousted from her matrimonial home.

It has been submitted on behalf of the Petitioners that there was a 'Golat' marriage in the family by which the Petitioners' daughter was married to the brother of the Opposite Party No. 2. When she was tortured for ends of dowry, she filed a case bearing Pranpur P.S. Case No. 61 of 2010 on 17.7.2010. Thereafter, the present case was filed two days later, only in order to pressurize the Petitioner to compromise the Matter.

I find that the present Complaint petition has been filed with the allegation of torture but absolutely, no specific overt act has been alleged against the Petitioners which would justify putting them on trial, hence, the application is allowed and the Proceeding including the order dated 18.4.2011 passed by the Sub Divisional Judicial Magistrate, Katihar, in connection with Complaint Case No. CA 2043 of 2010 so far as the Petitioners are concerned, is hereby set aside.

(Anjana Prakash, J)

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