

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44950 of 2013

Arising Out of PS.Case No. -236 Year- 2012 Thana -null District- SASARAM (ROHTAS)

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1. Sharda Devi W/O Radheshyam Pandey
2. Radheshyam Pandey S/O Late Kishorei Pandey
3. Manish Kumar Pandey S/O Radheshyam Pandey, all Resident Of Village-
Mundila, P.S. Kutumba, District- Aurangabad

.... Petitioner/s

Versus

1. The State Of Bihar
2. Jyotsna Devi D/O Ram Pravesh Tiwari Resident Of Village- Panduhar, P.S.
Darihat, District- Rohtas At Sasaram

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, App

For Opposite Party No.2 : Mr. Jitendra Kumar Pandey, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 23-07-2015

The Counsel for the Petitioners seeks permission to
withdraw the application so far as the Petitioner No.3 is concerned to
avail his other remedies.

Application on behalf of the Petitioner No.3 is dismissed
as withdrawn.

The Petitioners No.1 and 2, who are the parents-in-law of
the Complainant, seek quashing of the order of cognizance dated
29.1.2013 passed by the S.D.J.M., Dehri, Rohtas at Sasaram in
Complaint case No.236 of 2012.

The case of the Complainant is that she was married to



the Petitioner No.3 on 2.5.2004 and after her marriage she started living in her matrimonial home. However, she was tortured for ends of dowry, on account of which she filed Complaint case No.799 of 2006, which was compromised, whereafter she started living peacefully in the matrimonial home. However, she was once again tortured and for which she filed the present case. She alleged that her husband has remarried.

It has been submitted on behalf of the Petitioners that in the background of grouse of the Complainant with her husband about the alleged second marriage, the allegations in respect of demand of dowry appears to be only with a view to harass the Petitioners, who are his family members.

On the other hand, the Counsel for the Complainant submits that since the Petitioners are parents-in-law they were duty bound to restore the relations and having failed to do so, they should be put on trial.

Having considered the vague nature of allegations against the Petitioners, duration of marriage and nature of dispute between the spouses, I would be inclined to agree that no offence whatsoever so far as the Petitioners are concerned is made out.

Hence, the application is allowed and the proceedings so far as the Petitioners No.1 and 2 are concerned including the order of

cognizance dated 29.1.2013 passed by the S.D.J.M., Dehri, Rohtas at
Sasaram in Complaint case No.236 of 2012 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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