

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37854 of 2011

Arising Out of Complaint Case No.913 Year- 2009 District- BHABHUA (KAIMUR)

- =====
1. Vikash Paswan, S/O Jagdish Paswan
 2. Jagdish Paswan, S/O Late Sumer Paswan
 3. Kastura Devi, W/O Jagdish Paswan
- All Resident Of Village- Koini, P.S.- Chainpur, District- Kaimur at Bhabua
4. Jarda Devi, W/O Bilbahadur Paswan R/O Vill.- Barej, P.S.- Mohania, District- Kaimur at Bhabua

.... Petitioner/s

Versus

1. The State of Bihar
2. Pramila Devi D/O Bigau Paswan, resident of village- Gorar, P.S.- Durgawati, District- Kaimur at Bhabua

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Adv.

For the State : Mr. M. Haque, 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 learned counsel for the Petitioners seeks permission to withdraw the application with regard to the Petitioner No. 1.

The application against the Petitioner No. 1 is dismissed as withdrawn.

So far as the rest of the Petitioners are concerned, they being in-laws of the Opposite Party No. 2, seek quashing of the order of cognizance dated 29.9.2011, passed by the Sub Divisional Judicial Magistrate, Kaimur at Bhabua, in Complaint Case No. 913 of 2009, Trial No. 1430 of 2010.

The case of the Complainant is that she was married to the Petitioner No. 1 on 2.6.2005 on which occasion a large number of gifts were given to the in-laws, but, they showed their displeasure because of her dark complexion and demanded further a motorcycle.

It has been submitted on behalf of the Petitioners that evidently, the present case has been filed after four years of the marriage with completely trumped-up charges.

Fact of the matter is that there were some issues of incompatibility between the spouses, which led to institution of the present false Complaint.

On the other hand, the counsel for the Complainant submits that since the Petitioners were the family members, they should also be put on trial.

Having considered the nature of allegations against the Petitioners No. 2, 3 and 4, the application so far as they are concerned, is allowed and the Proceeding including the order dated 29.9.2011 passed by the Sub Divisional Judicial Magistrate, Kaimur at Bhabua, in Complaint Case No. 913 of 2009, Trial No. 1430 of 2010 is hereby set aside.

(Anjana Prakash, J)

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