

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 32047 of 2011

Arising out of P.S. Case No. -2207 Year- 2010 Thana –
Complaint Case District- SARAN

- =====
1. Mohan Pandey S/o Late Mangal Pandey Permanent Resident of Village- Rampur Kothi, Pandey Tola, P.O.- Bhagwanpur, P.S- Bhagwanpur, District- Siwan.
 2. Indu Devi W/o Sri Mohan Pandey Permanent Resident of Village- Rampur Kothi, Pandey Tola, P.O- Bhagwanpur, P.S- Bhagwanpur, District- Siwan.
 3. Mukesh Kumar Pandey @ Mukesh Pandey S/o Sri Mohan Pandey Permanent Resident of Village- Rampur Kothi, Pandey Tola, P.O- Bhagwanpur, P.S- Bhagwanpur, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar & Anr.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumant Singh, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 23-11-2015

Supplementary-Affidavit filed today on behalf of the
Petitioner be kept on record.

Learned Counsel for the Petitioners is permitted to
withdraw the application so far as the Petitioner No. 3,
Mukesh Kumar Pandey is concerned.

As for the rest of the Petitioners who happen to be
the parents-in-law they seek quashing of the order of
cognizance dated 07.06.2011 passed by the Judicial
Magistrate, 1st Class, Saran at Chapra in Complaint Case No.
2207 of 2010 (Tr. No. 2617 of 2011).

The case of the Complainant is that she was
married to the Petitioner No. 3 on 01.06.2009 on which

occasion large number of gifts were given to the in-laws. For a while, she remained in her matrimonial home. Later on every one started creating problems and demanding additional dowry. When she could not fulfil the demands she was dropped at her maternal home on account of which the present Complaint was filed.

It has been submitted on behalf of the Petitioners that fact of the matter is that the husband used to live with the Complainant in Delhi whereas the Petitioners used to live in Siwan. If at all there was some problem it was between the Complainant and her husband where the Petitioners had no role to play.

From the Complaint Petition, I find that there are general and sweeping allegations levelled against the Petitioners in which circumstances putting them on trial does not appear warranted.

Hence, the proceeding including the order of cognizance dated 07.06.2011 passed by the Judicial Magistrate, 1st Class, Saran at Chapra in Complaint Case No. 2207 of 2010 (Tr. No. 2617 of 2011) is, hereby, set aside so far as the Petitioners No. 1 and 2 are concerned.

The Application stands allowed.

(Anjana Prakash, J.)

Vikash/-

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