

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41402 of 2010

Arising Out of PS.Case No. -0 Year- null Thana -null District- SASARAM (ROHTAS)

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1. Jhanjhiya Kuer W/O Late Rajdeo Mahto
2. Harihar Mahto S/O Late Kirit Mahto, both Resident Of Village- Sabdalal , P.O. Amiyawar , P.S. Nasariganj, District - Rohtas.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Seva Devi W/O Sunil Mahto D/O Uday Prasad Resident Of Village- Khairha , P.S. Dehri , District - Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Nandan Sahay, Advocate

For the Opposite Party/s : Mr. U.N. Pandit, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 06-07-2015

No one appears on behalf of the Opposite Party No.2 on repeated dates.

The Petitioners, who are the maternal grand mother of the Complainant and co-villager of the husband of the Complainant, seek quashing of the order of cognizance dated 26.8.2009 passed by the S.D.J.M., Sasaram in Trial No.3188 of 2008/2676 of 2009 arising out of Complaint case No.1579 of 2008.

The case of the Complainant is that she was married to one Sunil Mahto on 7.5.2002, on which occasion large number of gifts were given. However, she was tortured for ends of additional dowry and later on ousted from the matrimonial home 5 years later.

She then filed the present Complaint.

It has been submitted that fact of the matter is that the husband and the wife used to stay in Madhya Pradesh and the Petitioners, who are distant relatives living in Bihar, have no interest in the domestic affairs.

Having considered the relationship and the period of marriage, the application is allowed and the order of cognizance dated 26.8.2009 passed by the S.D.J.M., Sasaram in Trial No.3188 of 2008/2676 of 2009 arising out of Complaint case No.1579 of 2008 is hereby set aside, so far as the Petitioners are concerned.

(Anjana Prakash, J)

Narendra/-

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