

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51253 of 2013

Arising Out of PS.Case No. -332 Year- 2009 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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1. Soni Devi Wife Of Kanhai Kumar Verma Resident Of Nadraganj, Nawagadhi Mohalla, P.S. Civil Lines, District - Gaya
 2. Jawahar Prasad Verma Son Of Late Prayag Ram Resident Of Kumhar Toli, P.S. Buniyadganj, Manpur, Gaya

.... Petitioner/s

Versus

1. The State Of Bihar
2. Mikki Devi D/O Umashankar Prasad Village + Post + P.S. Jamhore, Distt. - Aurangabad

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeshwar Singh, Advocate
For the Opposite Party/s : Mr. U.L.Verma(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

3 22-05-2015 The petitioners, who are the married sister-in-law and father-in-law, seek quashing of the cognizance order dated 11.08.2010, passed by the learned Sub-Divisional Judicial Magistrate, Aurangabad in Complaint Case No. 332 of 2009 so far as they are concerned.

The case of the complainant is that she was married to Ram Kumar Verma in 2000, on which occasion large number of gifts were given. However she was consistently tortured. On 10.08.2008 the petitioners called the father of the complainant before he who found she was not even in a position to get up the father-in-law and sister-in-law then misbehaved with the father and demanded a Hero Honda Motorcyle.

It is being submitted on behalf of the petitioners that it is not possible that a person who was married in the year 2000 would be tortured for ends of dowry for the next eight years. The story with regard to calling for her father of the complainant and misbehaving with him is also evidently only to make out a recent incident of torture which is also delayed since the complaint was filed three months later on 22.01.2009.

On the other hand, learned counsel for the complainant submits that there is specific allegation against the petitioners, they should be put on trial.

Having considered the period of marriage and the improbability of the allegations, the application is allowed so far as petitioners are concerned.

Hence, the proceeding including the cognizance order dated 11.08.2010, passed by the learned Sub-Divisional Judicial Magistrate, Aurangabad in Complaint Case No. 332 of 2009 is hereby set aside so far as the Petitioners are concerned.

The application is allowed

(Anjana Prakash, J)

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