

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21226 of 2013

Arising Out of PS.Case No. -1383 Year- 2010 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

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1. Chunchun Devi @ Chunchun Kumari W/O Ramesh Singh @ Ramesh Kumar
2. Ramesh Singh @ Ramesh Kumar S/O Kapildeo Singh, both are Resident Of
Village- Koachgawan, Police Station- Warsaliganj, District- Nawada (Bihar)
Presently Residing At Kumhrar, Alka Colony, Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. Puja Devi W/O Chanchal Kumar, D/O Binod Kumar Resident Of Village-
Maniyawan, Police Station- Nalanda, District- Nalanda (Bihar) Presently Resident
Of Village- Rajapur, Police Station- Warsaliganj, District- Nawada

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. P. Sharma, Advocate

For the Opposite Party/s : Smt. Pushpa Sinha, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 23-07-2015

The Petitioners, who are the sister-in-law and her husband, seek quashing of the order dated 11.3.2013 passed by the Sub Divisional Judicial Magistrate, Nawada in Complaint case No. C-1383 of 2010, by which he has refused to discharge the Petitioners.

The case of the Complainant is that she was married to the brother of Petitioner No.1 on 21.5.2005 according to Hindu rites, on which occasion money and gifts were given to the in-laws. However, the in-laws started demanding more money and finally in April, 2010 she was ousted from the matrimonial home.

The Petitioners submit that the marriage is accepted but

all along the Petitioners used to live in Patna while the Complainant with her husband stayed at Nawada. As is apparent from the Complaint Petition the main grouse is against the husband and that it is impossible to believe that a person would be tortured for five long years for ends of dowry by her in-laws.

On the other hand, the Counsel for the Complainant submits that during trial all the witnesses have been examined and hence this Court should not interfere in the matter.

On going through the Complaint Petition, I find that the allegations against the Petitioners are vague and the grievance of the Complainant appears to be against the husband, who used to threaten her that he would contract a second marriage.

In such circumstances, the application is allowed and the proceeding including the order dated 11.3.2013 passed by the Sub Divisional Judicial Magistrate, Nawada in Complaint case No. C-1383 of 2010 is hereby set aside so far as the Petitioners are concerned.

(Anjana Prakash, J)

Narendra/-

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