

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35628 of 2013

Arising Out of PS.Case No. -102 Year- 2011 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

- =====
1. Indra Devi wife of Sri Bishwanath Jha
 2. Bishwanath Jha son of late Poshan Jha
 3. Mukesh Jha sonof Sri Bishwanath Jha, all resident of village Gopalpur, P.S. Kamtaul, District Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. Poonam Devi D/o late Kameshwar Jha, R/o village Dumra, P.S. Benipatti, Distt. Madhubani

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Ashraf Ansari, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-09-2015

Learned Counsel for the Petitioners seeks permission to
withdraw the application so far as the Petitioner No.3 is concerned.

Application as against the Petitioner No.3 is dismissed as
withdrawn.

The Petitioners No.1 and 2, who happen to be the
parents-in-law of the Opposite Party No.2, seek quashing of the order
of cognizance dated 6.9.2011 passed by the Judicial Magistrate, 1st
class, Madhubani in Trial No.2273 of 2012 arising out of C.R. No.102
of 2011.

The case of the Complainant is that she was married to
the Petitioner No.3 in May, 2002 after which she went to her
matrimonial home. However she was not treated well even after birth
of a child and despite several attempts to solve the problem nothing

happened and hence the present Complaint.

It has been submitted on behalf of the Petitioners that it is impossible to believe that a person would be tortured for ends of dowry for eight long years. Evidently there was a problem between the spouses which has led to institution of the Complaint wherein the Petitioners have also been arrayed an accused so as to pressurize the husband.

On the other hand, the Counsel for the Complainant submits that since the Petitioners were parents-in-law they were duty bound to ensure matrimonial harmony and hence they should be put on trial.

Having considered the vague nature of allegations, the duration of marriage and the relationship between the parties, the application is allowed and the proceeding including the order of cognizance dated 6.9.2011 passed by the Judicial Magistrate, 1st class, Madhubani in Trial No.2273 of 2012 arising out of C.R. No.102 of 2011 is hereby set aside so far as the Petitioners No.1 and 2 are concerned.

(Anjana Prakash, J)

Narendra/-

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