

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 14287 of 2013

Arising out of P.S. Case No. -363 Year- 2010 Thana -
JEHANABAD COMPLAINT CASE District- JEHANABAD

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1. Raju Vishwakarma S/o Sri Ram Chandra Vishwakarma R/o Village - Paliganj, P.S. Paliganj, District - Patna.
 2. Raja Vishwakarma S/o Sri Raju Vishwakarma R/o Village - Paliganj, P.S. Paliganj, District - Patna.
 3. Kanti Devi W/o Raju Vishwakarma R/o Village - Paliganj, P.S. Paliganj, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kulmanti Devi W/o Pintu Viishwakarma (Daughter of Sheonath Mistri) Resident of Village - Jamuk, P.S. Jehanabad, District - Jehanabad

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Mistry, Adv.

For the Opposite Party/s : Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 28-09-2015

The Petitioners who are the in-laws seek quashing of the order of cognizance dated 24.07.2010 passed by the Judicial Magistrate, 1st Class, Jehanabad in Complaint Case No. 363 of 2010 (Tr. No. 1841 of 2012).

The case of the Complainant is that she was married to Pintu Vishwakarma in the year 2002 after which her husband was engaged in Private Company at Delhi. In his absence, while she was living in the matrimonial home the Petitioners tortured her for demand of dowry and finally ousted her from the matrimonial home.

It has been submitted on behalf of the Petitioners that it is impossible to believe that a marriage which was solemnized in the year 2002 would fail in the year 2010 for ends of dowry. Evidently, the dispute had arisen with regard to property in the matrimonial home which has led to institution of the present Complaint wherein the husband is not an accused.

On the other hand, Counsel for the Complainant submits that since the Petitioners are in-laws who were residing in the matrimonial home and tortured her they should be put on trial.

Having considered the facts mentioned above which suggests that the dispute was not really dowry, I would be inclined to hold that the present Complaint is a gross abuse of the process of the Court and deserves to be set aside.

Hence, the entire proceeding as against all the accused persons including the order of cognizance dated 24.07.2010 passed by the Judicial Magistrate, 1st Class, Jehanabad in Complaint Case No. 363 of 2010 (Tr. No. 1841 of 2012) is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J.)

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