

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36725 of 2012

Arising Out of PS.Case No. -236 Year- 2009 Thana -null District- VAISHALI(HAJIPUR)

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1. Suresh Sah S/O Late Triveni Sah R/O Mohalla-Gola Road In Front Of
Bhootnath Temple, P.S.-Samastipur, Distt-Samastipur

2. Indu Devi W/O Suresh Sah R/O Mohalla-Gola Road In Front Of Bhootnath
Temple, P.S.-Samastipur, Distt-Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

2. Nishi Rani D/O Mohan Prasad R/O Vill-Rusulpur Sohawawn, P.S.-
Bhagwanpur, Distt-Vaishali

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 24-03-2015

The petitioners who were parents-in-law of the complainant seek quashing of the order of non-discharge dated 05.07.2012 passed by the Sub-Divisional Judicial Magistrate, Hajipur, Vaishali in G.R. No. 4784 of 2009 arising out of Bhagwanpur P.S. Case No. 236 of 2009.

The case of the complainant is that she was married to Ritish Raj @Vicky on 02.05.2007 according to Hindu customs. After marriage she went to Sasural where the accused persons tortured her and attempted to administer poison to her on 30.11.2009. However, she did not take meal and saved her life. Thereafter she sent a message to her parents to come and take her back to maternal home. On 10.12.2009 a Panchayati was held but the accused persons were adamant on demands of motor cycle. The petitioners also assaulted

her with legs. When the matter could not be sorted out, the present first information report was instituted.

The submission of the petitioner is that after institution of the first information report the matter was settled between the husband and wife and they started living together where after a child was born but once again the informant was taken away by her father on 29.03.2011 since then she is living there. Further submission of the petitioners is that they are living separately and had no concern with the affairs of the husband and wife. Also it is highly impossible that even after lapse of two years and after birth of a child a person would be tortured for ends of dowry.

On the other hand counsel for the informant submits that that charges have now been framed and thus the Court should not interfere.

Considering the facts of the first information report as mentioned above, the prosecution in my opinion, so far as the petitioners are concerned, is meaningless. Hence the application is allowed. The order of non-discharge dated 05.07.2012 passed by the Sub-Divisional Judicial Magistrate, Hajipur, Vaishali in G.R. No. 4784 of 2009 arising out of Bhagwanpur P.S. Case No. 236 of 2009, is hereby set aside.

(Anjana Prakash, J)

Prakash/-

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