

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 32418 of 2012

Arising out of P.S. Case No. -38 Year- 2010 Thana –Ram
Krishna Nagar District- PATNA

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1. Mukesh Kumar Sinha, Son of Late Awadhesh Chandra Prasad Resident of Mohalla - Kamruddinganj (O.P. Gulmarg Hotel) P.S. Laheri, District – Nalanda.
 2. Mostt. Kanaklata Devi, Wife of Late Awadhesh Chandra Prasad Resident of Mohalla - Kamruddinganj (O.P. Gulmarg Hotel) P.S. Laheri, District – Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Sangita D/o Sri Sashi Shekhar Prasad Resident of Mohalla - B-106 (Housing Ke Paschim, Sita Niwas P.S. Kankarbagh, District Patna), At Present House Sri Chandeshwar Prasad, Ghana Colony, Soranpur, P.S Hamkrishnanagar, Distt – Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Ranjan Sinha, Adv.

For the Opposite Party/s : Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 23-11-2015

Learned Counsel for the Petitioners is permitted to withdraw the application so far as the Petitioner No. 1, Mukesh Kumar Sinha is concerned to avail his other remedies in accordance with law.

Whereas the Petitioner No. 2 is concerned she is the mother-in-law of the Opposite Party No. 2 who seeks quashing of the order of cognizance dated 24.08.2011 passed by the Sub-divisional Judicial Magistrate, Patna in Ram Krishna Nagar P.S. Case No. 38 of 2010.

The case of the Informant is that she was married to

the Petitioner No. 1 on 13.02.2006 on which occasion large number of gifts were given to the in-laws. Out of the wedlock, a child was also born. The in-laws however started demanding additional dowry and ousted her from the matrimonial home.

It has been submitted on behalf of the Petitioner No. 2 that in fact the husband and wife had some dispute on account of which the husband had filed a matrimonial suit for divorce and where the Petitioner No. 2 is concerned there is no specific overt act against her.

On the other hand, the Counsel for the Informant submits that since the Petitioner No. 2 was the mother-in-law she should have intervened in the matrimonial dispute to settle it and, hence, she should be put on trial.

Having considered the vague nature of allegations against the Petitioner No. 2 and the duration of marriage, the proceeding including the order of cognizance dated 24.08.2011 passed by the Sub-divisional Judicial Magistrate, Patna in Ram Krishna Nagar P.S. Case No. 38 of 2010 is, hereby, set aside so far as the Petitioner No. 2 is concerned.

The Application stands allowed.

(Anjana Prakash, J.)

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