

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35798 of 2012

Arising Out of PS.Case No. -54 Year- 2010 Thana Chakai District- JAMUI

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1. Ramdeo Rai, son of late Wajir Rai
 2. Sushila Devi, wife of Ramdeo Rai
 3. Sunil Rai, son of Ramdeo Rai
 4. Munni Devi, wife of Sushil Rai
- All resident of village Maharai Dih, P.S. Chakai, District Jamui.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Lalita Devi, wife of Anil Rai, D/O Sahdeo Rai, resident of village Maharaidih, P.S. Chakai, District Jamui

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha, Adv.
Mr. Manish Lal Das, Adv.

For the State : Mr. Gayendra Pd. Yadav, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 21-04-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners who are the parents-in-law, brother-in-law and the sister-in-law of the Opposite Party No. 2 seek quashing of the order dated 7.10.2011 passed in Chakai P.S. Case No. 54 of 2010 corresponding to G.R. No. 986 of 2010 by the Chief Judicial Magistrate, Jamui.

The case of the Complainant is that she was married to Anil Rai, son of Petitioner No. 1 on 18.1.2003 whereafter she started living peacefully. However, subsequently, the in-laws started demanding Rs.50,000/- and a Motorcycle and when the demand was

not fulfilled, she was tortured. She gave birth to a male child but the demand continued for which reason, Chakai P.S. Case No. 21 of 2005 was instituted on 30.3.2005. About a week ago, she learnt that her husband had performed second marriage and, hence, the present First Information Report.

It has been submitted on behalf of the Petitioners that as per the admission of the Informant, previously also for the same cause of action, another case was instituted which was going on, and, therefore, there was no justification for institution of the present First Information Report. Also if there was a grievance with regard to the second marriage of her husband, this fact should have been brought to the notice of the Court in the previous case.

On the last occasion, notices had been issued to the Opposite Party No. 2 but none appears on her behalf.

Having considered the facts stated in the First Information Report, I am inclined to agree with the submission so raised on behalf of the Petitioner.

Hence, the application is allowed and the entire Proceedings including the order dated 7.10.2011 passed in Chakai P.S. Case No. 54 of 2010 corresponding to G.R. No. 986 of 2010 by the Chief Judicial Magistrate, Jamui, is hereby set aside.

However, the Informant will be at liberty to make a

grievance with regard to the second marriage of her husband in the previous case which shall not be prevented by the Court below at the stage of trial.

The application stands allowed with the aforesaid observation.

(Anjana Prakash, J)

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