

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31776 of 2012

Arising Out of PS.Case No. -1220 Year- 2009 Thana -null District- SASARAM (ROHTAS)

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1. Hari Saran Jaiswal S/O Late Sita Ram Sah
2. Kusum Lata Devi W/O Hari Saran Jaiswal R/O Mohalla - Chaman Lal Pokhara
Ward No.17, Police Station - Bhabhua, District - Kaimur At Bhabhua

.... Petitioner/s

Versus

1. The State of Bihar
2. Priti Jaiswal @ Guriya @ Arati w/o Saurath Kumar Jaiswal @ Chintu D/o Din
Dayal Prasad, resident of Chaman Lal Pokhara, P.S. Bhabhua, District Kaimur
at Bhabhua

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh, Advocate
For the State : Mr. Ajay Kr. Jha, APP
For Opposite Party No.2 : Mr. Kritiya Nand Jha, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 30-06-2015

The Petitioners, who are the in-laws of the Opposite
Party No.2, seek quashing of the order of cognizance dated 5.4.2010
passed by the Sub Divisional Judicial Magistrate, Sasaram in
Complaint case No.1220 of 2009.

The case of the Complainant is that she was married to
the son of the Petitioners on 21.11.2007, whereafter she went to her
matrimonial home. However, the in-laws started to torture her and she
was finally ousted from the matrimonial home.

It has been submitted on behalf of the Petitioners that on
going through the Complaint Petition apart from general and vague

allegation with regard to torture there is no specific material against them. Moreover it is impossible to believe that a person who would be married in the year 2007 would be tortured for ends of dowry even after birth of a child.

On the other hand, the Counsel for the Complainant submits that since the Petitioners are the parents-in-law they were responsible for maintaining harmony in the house and therefore they should be put on trial.

Having considered the vague nature of allegations against the Petitioners in the Complaint petition which indicates some dispute between the spouses, the application is allowed and the order of cognizance dated 5.4.2010 passed by the Sub Divisional Judicial Magistrate, Sasaram in Complaint case No.1220 of 2009 is hereby set aside as far as the Petitioners are concerned.

However, this order shall have no hearing on the prosecution of the husband.

(Anjana Prakash, J)

Narendra/-

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