

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49018 of 2012

Arising Out of Complaint Case No. 870(C) Year- 2009

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1. Md. Firoz Alam S/O Late Mansure Alam
2. Chanda Khatoon W/O Late Mansure Alam
3. Md. Ramjani S/O Md. Badruddin

All are Resident Of Village- Janipur Nagma, P.S.- Janipur (Phulwarisharif Patna), District- Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. Firdoshi Khatoon D/O Manjar Alam Resident Of Village- Badi Pathantoli, P.S.- Islampur, District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ Manoj

For the State : Mr. Ashok Kumar I, A.P..

For the Opposite Party No. 2: Mr. Anil Kr. Singh, Adv.

Mr. Praveen Kumar, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-07-2015

Heard learned counsel for the Petitioners and the State.

Considering that the Petitioner No. 1 is the husband of the Complainant, the application as against him is disposed off to avail his other remedies in accordance with law.

As for Petitioners No. 2 and 3, they being the mother-in-law and cousin brother-in-law of the husband of the Complainant, the Petitioners seek quashing of the order of cognizance dated 29.1.2010 passed by the Sub Divisional Judicial Magistrate, Hilsa (Nalanda) in Complaint Case No. 870 of 2009.

The case of the Complainant is that she was married to the Petitioner No. 1 on 28.5.2005 on which occasion a large number of gifts were given to the in-laws. However, after marriage, the Petitioner No. 1 started demanding a Motorcycle and some money for opening a tailoring shop and when the said demand was not fulfilled, she was ousted from her matrimonial home.

It has been submitted on behalf of the Petitioners No. 2 and 3 that they used to live separately from the house of the Complainant and husband and, hence, they had not role to play. Moreover, it is impossible to believe that a person after marriage of four years would be tortured for ends of dowry.

On the other hand, the counsel for the Complainant submits that since the Petitioners No. 2 and 3 are mother-in-law and close relatives, they should be put on trial.

Having considered the nature of allegation, the application stands allowed and the Proceeding including the order dated 29.1.2010 passed by the Sub Divisional Judicial Magistrate, Hilsa (Nalanda) in connection with Complaint Case No. 870(C) of 2009, is hereby set aside so far as it relates to Petitioners No. 2 and 3.

(Anjana Prakash, J)

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