

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39715 of 2012

Arising Out of PS.Case No. -88 Year- 2008 Thana -null District- SITAMARHI

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1. Ashutosh Kumar Niraj S/O Sri Birendra Singh
 2. Madhuri Devi W/O Sri Birendra Singh
 3. Sri Birendra Singh S/O Late Ram Awtar Singh
 4. Avinash Kumar S/O Sri Birendra Singh
 5. Ravindra Singh S/O Late Ram Awtar Singh, all are Resident Of Village Manhari, P.S. Riga, District Sitamarhi.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Karuna Kumari D/o Rama Shankar Prasad Singh, Road Construction Department, Path Pramandal, Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Smt. Renu Kumari, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-09-2015

No one appears on behalf of the Opposite Party No.2 on repeated calls.

Learned Counsel for the Petitioners seeks permission to withdraw the application so far as the Petitioner No.1 is concerned.

Application as against Petitioner No.1 is dismissed as withdrawn.

The rest of the Petitioners, who are the in-laws of the Opposite Party No.2, seek quashing of the order of non-discharge dated 9.8.2012 passed by the Sub Divisional Judicial Magistrate, Sitamarhi (Sadar) in G.R. case No.1138 of 2008 (Riga P.S. case

No.88 of 2008).

The case of the Informant is that she was married to Petitioner No.1 on 22.5.2006, on which occasion large number of gifts were given to the in-laws. However when she came to her matrimonial home she was tortured and assaulted daily. She gave birth to a child but on account of lack of proper medical care the child died and she became ill. Finally she was to be forced to go to her maternal home on 15.3.2008 and hence the First Information Report.

It has been submitted on behalf of the Petitioners that during investigation the accusation against the Petitioners was found false and hence final report was submitted in this regard. Fact of the matter is that the Informant stayed in her matrimonial home only for about a year, in course of which she gave birth to a child, who died in the Hospital and thereafter she returned to her maternal home never to come back. In such circumstances, the Petitioners, who had nothing to do with the affairs of the husband and wife, should be exonerated from trial. Moreover there are documents to show that the main difference was between the spouses and the Petitioners had been unnecessarily roped in.

Having considered the facts of the case and other documents on record, the application is allowed and the proceeding including the order of non-discharge dated 9.8.2012 passed by the Sub

Divisional Judicial Magistrate, Sitamarhi (Sadar) in G.R. case No.1138 of 2008 (Riga P.S. case No.88 of 2008) is hereby set aside so far as the Petitioners No.2 to 5 are concerned.

(Anjana Prakash, J)

Narendra/-

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