

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49158 of 2008

Arising Out of Complaint Case No.280 Year- 2008l District- MADHEPURA

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1. Umesh Thakur, son of Shri Achyutanand Thakur
 2. Babita Devi, wife of Umesh Thakur
 3. Karpura Devi, wife of Shri Achyutanand Thakur

All resident of village Bishtaul, P.s. Ghoghardiha, Distt. Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar
2. Anita Devi, wife of Naresh Thakur, resident of village Bishtaul, P.O. Navani, P.S. Ghoghardiha, Distt. Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Anju Jha, Adv.

For the State : Mr. D. Mehta, A.P.P.

For the Opposite Party No. 2: Mr. Mahendra Pathak, Adv.

Mr. Nagendra Upadhyay, Adv.

Mr. Maya Shankar Jha.

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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.

On repeated dates, the Opposite Party No. 2 has not appeared.

The Petitioners seek quashing of the order of cognizance dated 12.6.2008 passed by the Sub Divisional Judicial Magistrate, Jhanjharpur, in Complaint Case No. 280 of 2008, Trial No. 2439 of 2008.

The case of the Complainant is that she was married in 1991 to the elder brother of the Petitioner No. 1 thereafter, three children were born. The husband of the Complainant used to live in

Kolkata and occasionally come to the village. Three years after the marriage, the Petitioners started torturing her for ends of dowry and finally drove her out from the house.

It has been submitted on behalf of the Petitioners that the Petitioner No. 1 is the younger brother-in-law whereas the Petitioner No. 3 is younger sister-in-law and Petitioner No. 3 is the mother-in-law of the Complainant who were separate in mess.

Fact of the matter is that the Complainant neglects the in-laws and instead, filed the present complaint maliciously.

Having gone through the Complaint petition and considered the duration of marriage, I would be inclined to hold that the present Complaint is unreliable as regards the Petitioners and deserves to be set aside.

Hence, the application is allowed and the Proceeding including the order of cognizance dated 12.6.2008 passed by the Sub Divisional Judicial Magistrate, Jhanjharpur, in Complaint Case No. 280 of 2008, Trial No. 2439 of 2008, so far as the present Petitioners are concerned, is hereby set aside.

(Anjana Prakash, J)

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