

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9225 of 2009

Arising Out of Complaint Case No. 41(C) Year- 2008 District- PATNA

- =====
1. Nisa Kumari @ Nisa Devi, wife of Shri A.K.Chaudhary of Quarter No. 12, F-1210, Stifens Schook, Bokaro
 2. Sivdatt Kumar Roy, son of Ashok Kumar Rai
 3. Kunjan Kumari @ Kunjan Devi, wife of Sivdatt Kumar Rai
 4. Ashok Kumar Rai @ Ashok Rai, son of late Sahdeo Rai
 5. Nagina Devi, wife of Ashok Kumar Rai
 6. Gurudatt Kumar Rai, son of Ashok Kumar Rai (Petitioners No. 2 to 6) resident of village Rajapur, P.S. Bachhawara, Distt. Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bandana, wife of Gurudatt Kumar Rai, daughter of Chandrashekhar Jha, resident of village Rajapur, P.s. Bachchawara, Distt. Begusarai, at present residing at Mohall Pragatinagar, New Mainpura, P.S. Danapur, Distt. Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Adv.
Mr. Amit Kumar Mishra, Adv.
For the State : Mr. A. Sharma, A.P.P.
For the Opposite Party/s : Mr. Bijay Shankar Chaubey, Adv.
Ms. Mamta Kumari, Adv.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 10-07-2015

Heard learned counsel for the Petitioners and the State.

The learned counsel for the Petitioners seeks permission to withdraw the application so far as the Petitioner No. 6 is concerned.

The rest of the Petitioners who are the in-laws of the Opposite Party No. 2 seek quashing of the order of cognizance dated 31.5.2008 passed by the Additional Chief Judicial Magistrate, Danapur, in Complaint Case No. 41C of 2008.

The case of the Complainant is that she was married to



the Petitioner No. 6 on 3.2.2006 whereafter she came to her matrimonial home. However, the in-laws started demand 1,00,000/- rupees and one motorcycle. Thereafter, the husband was given a motorcycle by the brother of the Complainant. She was continued to be tortured for demand of extra money and the matter was pacified for a certain period but it did not stay long and finally she was ousted from her matrimonial home.

It has been submitted on behalf of the Petitioners that facts of the matter is that there was some point of friction between the spouses on account of which the husband filed a Matrimonial Divorce case No. 81 of 2007 before institution of the present Complaint. He had sought divorce on the ground of physically and mental cruelty. In such circumstances, the counsel for the Petitioners submits that evidently, the allegation with regard to the Petitioners that they were torturing the Complainant for dowry does not appear probable.

Having gone through the vague nature of allegation in the Complaint petition as against the present Petitioners, the petition is allowed and the Proceeding including the order of cognizance dated 31.5.2008 passed by the Additional Chief Judicial Magistrate, Danapur, in Complaint Case No. 41C of 2008, is hereby set aside.

However, this order shall have no bearing on the case of

the husband.

S.Ali/-

U		T	
---	--	---	--

(Anjana Prakash, J)

