

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11983 of 2014

Arising Out of PS.Case No. -32 Year- 2013 Thana -MAHILA P.S. District- VAISHALI(HAJIPUR)

- =====
1. Sunil Kumar Soni, son of Chunnu Prasad,
 2. Bebi Devi, wife of Sunil Kumar Soni,
 3. Deepak Kumar, son of Sunil Kumar Soni, all are resident of mohalla - Gudri, P.S.- Nagar Hajipur, District - Vaishali at Hajipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Pammmi Soni, daughter of Gorakh Prasad, resident of village / mohalla - Patnacity, Lodi Katra, P.S. Khajekala, District - Patna

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anand Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

Mr. Akhileshwar Pd. Singh, Sr. Advocate with

Mr. Sunil Kumar, Advocate

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 24-09-2015

The Petitioners, who are the father-in-law, mother-in-law and brother-in-law of the Opposite Party No.2, seek quashing of the order of cognizance dated 06.01.2014 passed by the Chief Judicial Magistrate, Vaishali at Hajipur, in G.R. No.2006 of 2013/Tr. No.3934 of 2014 arising out of Hajipur Women P.S. Case No.32 of 2013.

The case of the Informant is that she was married to the son of the Petitioner Nos.1 and 2 on 14.07.2010 after which she started living in her matrimonial home. However, the accused were not happy with her and used to make unreasonable demand and when

the same was refused she was tortured in various ways. The accused persons also took away her jewellery and even though several attempts of settlement were made, they just shut the door and she was left no option but to file the present Complaint.

It has been submitted on behalf of the Petitioners that it is impossible to believe that a person, who was married in 2010 would be tortured for ends of dowry for three years. Fact of the matter is that there was some incompatibility issue between the husband and wife which has led series of litigation between the parties. In fact, the Petitioner No.2-mother-in-law also filed a case against the Informant and others vide Complaint Case No.1489 of 2013/Tr. No.3340 of 2013.

On the other hand, counsel for the Complainants submits that since the Petitioners were in-laws they were duty bound to maintain harmony in the family but instead all of them further escalated the problem by filing frivolous case against her.

Having considered the relationship between the parties, duration of marriage and the earlier complaint, I would be inclined to hold that in view of the allegations being so general and sweeping in nature, it does not warrant putting the Petitioners on trial.

Hence, the order of cognizance dated 06.01.2014 passed by the Chief Judicial Magistrate, Vaishali at Hajipur, in G.R.

No.2006 of 2013/Tr. No.3934 of 2014 arising out of Hajipur Women P.S. Case No.32 of 2013 is hereby set aside in so far as Petitioners are concerned.

Also in the interest of the parties, further proceedings of Complaint Case No.1489 of 2013/Tr. No.3340 of 2013 pending before the Sub-Divisional Judicial Magistrate, Vaishali at Hajipur, is hereby set aside.

The application stands allowed.

(Anjana Prakash, J)

JA/-

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