

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15117 of 2010

Arising Out of PS.Case No. 734 Year- 2009 Thana -null District- BUXAR

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1. Haribansh Singh S/O Late Sheo Muni Singh, R/O Vill. Chaukiya, P.O. Chaukiya,
P.S. Krishna Brahwa, Distt. Buxar

.... Petitioner/s

Versus

1. The State Of Bihar
2. Madhumila Devi W/O Haribansh Singh, R/O Vill. Chaukiya, P.O. Chaukiya,
P.S. Krishna Brahwa, Distt. Buxar At Present Vill. Ataon P.O. Ataon, P.S.
Dumraon, Distt. Buxar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jagdish Parasad-I, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Pd., APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 29-09-2015

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

The Petitioner seeks quashing of the order of cognizance dated 4.3.2010 passed by the Sub Divisional Judicial Magistrate, Buxar in Complaint case No.C-734 of 2009 (Trial No.1690 of 2010).

The case of the Complainant is that she was married to the Petitioner in the year 1985 whereafter she started living in her matrimonial home. However, the Petitioner was entangled with the sister-in-law, on account of which there was acrimony between the spouses. Finally she was thrown out from the matrimonial home, on account of which she instituted this Complaint in the year 2009.

It has been submitted on behalf of the Petitioner that fact of the matter is that the marriage had been performed in the year 1985 and there was no demand of any kind. In fact the Petitioner is a very

poor person being a B.P.L. card holder and his wife did not want to stay with him because of his poverty. Even though the Petitioner attempted to resolve the dispute by giving a piece of land in favour of his son but the dispute was not resolved. He then filed an informatory petition on 3.7.2009 before the Court and then the wife filed an application under Section 125 Cr.P.C. where maintenance was granted to her and six days after filing the said application she filed the present Complaint. It has further been submitted that it is impossible to believe that a person who would be married in the year 1985 would be tortured for ends of dowry. Evidently the reason was something else.

Having considered the nature of allegations and duration of marriage, I would be inclined to accept the submissions so raised on behalf of the Petitioner. Hence, the application is allowed and the order of cognizance dated 4.3.2010 passed by the Sub Divisional Judicial Magistrate, Buxar in Complaint case No.C-734 of 2009 (Trial No.1690 of 2010) without prejudice to either party is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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