

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34540 of 2014

Arising Out of PS.Case No. -935 Year- 2011 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

- =====
1. Sanjay Kumar @ Sanjay Kr. Singh, S/o Pramod Shankar Singh,
 2. Pramod Shankar Singh, S/o Brahm Deo Singh @ Tanthan Singh,
 3. Rajeev Kumar @ Rajiv, S/o Pramod Shankar Singh, all resident of mohalla Maheshpur, Ganga Vihar Colony, Tekari Road, P.S. Sultanganj, District Patna.
- Petitioner/s

Versus

1. The State of Bihar.
 2. Kundan Kumari @ Kanchan Singh, w/o Sanjay Kumar Singh, D/o Ram Sagar Chaudhari, presently residing at Mohalla- Parmanandpur, P.O.- Sripur, P.S.- Cheria Bariyarpur, District Begusarai.
- Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ritesh Kumar, Advocate
For the Opposite Party/s : Ms. Anita Kumari Singh, Advocate
Mr. Madan Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT
Date: 26-08-2015

Learned counsel for the Petitioners seeks permission to withdraw the application of the Petitioner No.1-Sanjay Kumar @ Sanjay Kumar Singh.

The application is dismissed as withdrawn so far as Petitioner No.1-Sanjay Kumar Singh is concerned.

Learned counsel for the Petitioners further seeks permission to withdraw the application in so far as Petitioner No.2- Pramod Kumar Singh is concerned since the application has become infructuous in so far as Petitioner No.2 is concerned on account of

his death.

It is dismissed as infructuous in so far as Petitioner No.2-Pramod Shankar Singh is concerned.

The Petitioner No.3, who is the brother-in-law of the Opposite Party No.2, seeks quashing of the order dated 05.11.2011 passed by the Judicial Magistrate, 1st class, Begusarai, in Complaint Case No.935-C of 2011.

The case of the Complainant is that she was married to the Petitioner No.1 on 23.04.2004 on which occasion large number of gifts were given to the in-laws. However, when she came to the matrimonial home, they started demanding dowry and tortured her both physically and mentally on account of non-fulfillment of dowry. She has also alleged that the Petitioner No.1 has remarried another lady.

It has been submitted on behalf of the Petitioner No.3 that in the entire Complaint Petition there is nothing specific as against him and it also appears that the Complaint Petition is directed against the husband, who has allegedly remarried which appears to be main grouse of the Complainant.

On the other hand, counsel for the Complainant submits that since the Petitioner No.3 is the brother-in-law, who is also responsible for maintaining matrimonial harmony and having

not done so, he should be put on trial.

Having considered the vague nature of allegation against the Petitioner No.3, his relationship with the Complainant as also the nature of allegation against the husband, the order dated 05.11.2011 passed by the Judicial Magistrate, 1st class, Begusarai, in Complaint Case No.935-C of 2011 is hereby set aside in so far as **Petitioner No.3 is concerned.**

The application is allowed in part.

(Anjana Prakash, J)

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