

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5430 of 2011

Arising Out of PS.Case No. -0 Year- null Thana -null District- WESTCHAMPARAN(BETTIAH)

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1. Mohan Sharma S/O Prehalad Sharma Resident Of Village- Chiataha (Tand Tola), P.S.- Chiuta, District- West Champaran
 2. Prehalad Sharma S/O Ramayas Sharma Resident Of Village- Chiataha (Tand Tola), P.S.- Chiuta, District- West Champaran
 3. Budha Devi W/O Prahalad Sharma Resident Of Village- Chiataha (Tand Tola), P.S.- Chiuta, District- West Champaran
 4. Mitu Devi W/O Bunilal Sharma Resident Of Village- Dhakahawa, P.S.- Sikarpur, At Present Chiutaha (Tand Tola), District- West Champaran
 5. Barelal Sharma S/O Late Asharfi Sharma Resident Of Village- Dhakahawa, P.S.- Sikarpur, At Present Chiutaha (Tand Tola), District- West Champaran

.... Petitioner/s

Versus

1. The State Of Bihar
2. Ramawati Devi D/O Chandruja Sharma resident of village Bahuarwa P.S. Sikarpur District West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-04-2015

Learned counsel for the petitioners seek permission to withdraw the application so far as the Petitioner no. 1 is concerned.

It is dismissed as such.

So far as the rest of the petitioners are concerned they are in-laws of the complainant who seek quashing of the cognizance dated 07.01.2011 passed in Complaint Case No. 2668 C of 2009, Tr. No. 2028 of 2011 under Section 498A IPC.

The case of the complainant is that she was married to

Petitioner no. 1 about eight years ago on which occasion large number of gifts were given to the in-laws. When she came to her matrimonial home she gave birth of two female children but she was tortured for ends of dowry and finally ousted from the matrimonial home.

It has been submitted on behalf of the petitioners that complaint is evidently false as she was the wife of another person not the Petitioner no. 1. Further it is impossible to believe that a person would be tortured for ends of dowry after eight years of marriage especially after birth of two children.

On the last occasion notices have been issued to the O.P. No. 2. but none appears on her behalf.

Having considered the fact of the complaint, I would be inclined to allow the petition so far as the petitioner nos. 2,3,4 and 5 are concerned.

Hence the application is allowed to the aforesaid extent. The order of cognizance dated 07.01.2011 passed in Complaint Case No. 2668 C of 2009, Tr. No. 2028 of 2011, is hereby quashed.

(Anjana Prakash, J)

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