

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 29450 of 2011

Arising out of P.S. Case No. -180 Year- 2010 Thana -Akbarpur
District- NAWADA

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Anandi Singh S/o Late Nathuni Singh R/o Vill. Patauri, P.S. Akbarpur,
Distt. Nawada, Presently Residing at Quarter No. 106, Police Colony,
Ashok Vihar, New Delhi – 52.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Archana Sharma D/o Murlidhar Sharma and W/o Rakesh Sharma R/o
Vill. Patauri, P.S. Akbarpur, Distt. Nawada, Presently at Vill. Konch
Goan, P.S. Warislyganj, Distt. Nawada.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	: Mr. Satyavrat Verma, Adv.
For the State	: Mr. C. Jawahar, APP.
For the Opposite Party No. 2	: Mr. Kumar Sunil, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 09-03-2015

The Petitioner who is the father-in-law seeks quashing of
the order of cognizance dated 24.02.2011 passed by the Sub-
Divisional Judicial Magistrate, Nawada in Akbarpur P.S. Case No.
180 of 2010 (G.R. No. 1424 of 2010).

The case of the Informant is that she was married to the
son of the Petitioner in the year 2003 whereafter she gave birth to a
child but the marriage was not successful on account of torture for
ends of dowry for which reason she instituted Complaint Case No.
397 of 2009 and also Guardianship Case No. 1 of 2008 in the
Family Court, Nawada. Despite repeated orders of the Court the
child was not being produced and, hence, she apprehended that the
child has been killed and her husband has performed a second
marriage.

It has been submitted on behalf of the Petitioner that
contrary to the allegations that the child went missing there is an

order of the Family Court dated 18.03.2011 that the child is living with his father, hence, the allegations so far as kidnapping the purpose of murder of the grand-son of the Petitioner has no substance. Further, if at all, the Informant's husband has remarried the Petitioner being the father-in-law would have no role to play for such an act.

On the other hand, Counsel for the Complainant submits that since the Petitioner was the head of the family he is responsible for keeping balance in the family and, hence, he should be put on trial in the present case.

On a fair appraisal of the facts of the Complaint Petition, I would be inclined to hold that no offence would be made out as against the Petitioner and other family members.

In such circumstances, the proceeding against all the accused persons except Rakesh Sharma including the order of cognizance dated 24.02.2011 passed by the Sub-Divisional Judicial Magistrate, Nawada in Akbarpur P.S. Case No. 180 of 2010 (G.R. No. 1424 of 2010 is, hereby, set aside.

The Application stands allowed.

As for Rakesh Sharma, in the interest of the parties, I would be inclined to direct that the concerned Judicial Magistrate shall amalgamate the present case with Complaint Case No. 397 of 2007 since both the cases are interconnected.

(Anjana Prakash, J)

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