

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 12231 of 2011

Arising out of P.S. Case No. -(C) 1358 Year- 2005 Thana -
Complaint District- MUZAFFARPUR

- =====
1. Lalan Kumar Pandit S/o Ramphal Pandit R/o Chakiya Police Station - Karja, Distirct- Muzaffarpur.
 2. Ramphal Pandit S/o Late Chalittar Pandit R/o Chakiya Police Station - Karja, Distirct- Muzaffarpur.
 3. Soniya Devi W/o Sri Ramphal Pandit R/o Chakiya Police Station - Karja, Distirct- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rani Devi, the then Wife (Divorcee) Lalan Kumar Pandit and D/o Damodar Pandit R/o Lalu Chhapra, P.S.- Paroo, District- Muzaffarpur.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Adv.

For the Opposite Party/s : Mr. Gopesh Kumar, APP

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 06-02-2015

The Petitioners seek quashing of the entire proceeding including the order of cognizance dated 28.10.2005 passed by the Sub-Divisional Judicial Magistrate, West Muzaffarpur in Complaint Case No. (C) 1358 of 2005 (Tr. No. 627 of 2011).

The case of the Complainant is that she was married to the Petitioner No. 1 on 24.02.2002 whereafter she came to her in-laws house but they started pressurizing her for more dowry even after an agreement was executed.

It has been submitted on behalf of the Petitioners that it is a fact that the Complainant and the Petitioner No. 1 were married on 24.05.2002 but she did not want to live in the matrimonial home on account of which a compromise was

entered between the parties. Then the spouses started living together but when it did not work the marriage was dissolved by mutual consent on an application filed under Section 13(B) vide Divorce Case No. 07 of 2007 on 12.07.2007. Hence the present Complaint which was filed two years earlier should not proceed. The further submission is that the Complainant is only trying to rake up an old dispute so that she would be able to take some unfair advantage out of the old litigation.

On the other hand, Counsel for the Complainant submits that the Petitioner No. 1 has not complied with the terms of agreement and, therefore, the Petitioners should be prosecuted.

Evidently, in such circumstances, when no ingredients under Section 498A IPC is present the Complaint appears to be frivolous filed possibly on account of incompatibility between the spouses.

Hence, the entire proceeding as against all the accused persons including the order of cognizance dated 28.10.2005 passed by the Sub-Divisional Judicial Magistrate, West Muzaffarpur in Complaint Case No. (C) 1358 of 2005 (Tr. No. 627 of 2011) is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J)

Vikash/-

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