

# IN THE HIGH COURT OF JUDICATURE AT PATNA

## Criminal Miscellaneous No.43228 of 2011

Arising Out of PS.Case No. -58 Year- 2009 Thana -null District- MUNGER

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1. Sangita Roy @ Punam Roy W/O Sobodh Roy & D/O Late Naresh Kumar Roy  
Resideny Of 32/B/100 , Rabindra Sarani Bally Liluah , P.S. - Liluah , District -  
Hawrah 711203 , West Bengal

.... .... Petitioner/s

Versus

1. The State Of Bihar  
2. Sarita Singh @ Sarita Roy W/O Anuj Kumar Roy, D/O Parmanand Singh  
Resident Of Village –Chandanpura, P.S. Naya Ram Nagar, District Munger

.... .... Opposite Party/s

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### Appearance :

For the Petitioner/s : Mrs. Veena Rani Pd., Advocate

For the Opposite Party/s : Mr. S.C. Mishra, APP

For Opposite Party No.2 : Mr. Bipin Kumar, Advocate

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

**ORAL JUDGMENT**

**Date: 19-02-2015**

The Petitioner, who is the married sister-in-law of the  
Opposite Party No.2, seeks quashing of the order of cognizance dated  
5.9.2011 by the Chief Judicial Magistrate, Munger in Naya Ramnagar  
P.S. case No.58 of 2009.

The case of the Opposite Party No.2 is that she was  
married to Anuj Kumar Roy, the brother of the Petitioner, on 2.8.2006  
at Patna City, whereafter she came to reside with her in-laws. On the  
very next day, the in-laws started demanding one lac rupees about  
which she informed her family members. Later she went to her  
matrimonial home, from which she was fetched by her husband and  
she stayed with her in-laws for six months. She gave birth to a child  
on 24.4.2007 but despite the same she was tortured. She then came to  
Patna with her husband, where also she was tortured.

It has been submitted on behalf of the Petitioner that she herself was married on 6.5.2001 to her husband Subodh Roy, after which she has been continuously residing with her husband and children at Liluah Howrah, West Bengal. Her husband works as an Accountant in a private company and she has neither any time nor any inclination to interfere with her brother's affairs. Evidently it appears that the Informant had some grievance with her husband, which had led to the institution of the First Information Report and in order to pressurize her husband she had implicated the entire family.

On the other hand, the Counsel for the Informant submits that since she was tortured she has instituted the present case and hence the Petitioner should not be exonerated.

Having gone through the First Information Report and the marital status of the Petitioner, I would be inclined to accept the submissions raised on behalf of the Petitioner.

Hence, the application stands allowed and the proceeding so far as the Petitioners are concerned including the order of cognizance dated 5.9.2011 by the Chief Judicial Magistrate, Munger in Naya Ramnagar P.S. case No.58 of 2009 is hereby set aside.

**(Anjana Prakash, J)**

Narendra/-

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