

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30269 of 2011

Arising Out of Complaint Case No. 944 Year- 2008 District- SAHARSA

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1. Mahendra Prasad, Son Of Late Bishwanath Sah
 2. Aushilya Devi, W/O Mahendra Prasad
- Both resident of village Majoura Bazar, P.S. Bihariganj, District - Nawada

.... Petitioner/s

Versus

1. The State Of Bihar
2. Rina Devi, D/O Mahesh Prasad, Village Bariyahi, Bazar, P.S. Bangaon, District Saharasa

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Adv.

For the State : Mr. Netyanand, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-04-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners who are the parents-in-law of the Opposite Party No. 2 seek quashing of the order of non-discharge and subsequently revisional order dated 23.2.2011 passed by the Judicial Magistrate, 1st Class, Saharsa, in Complaint Case No. 944 of 2008.

The case of the Complainant is that she was married to the son of the Petitioner on 23.1.2000 whereafter she started living in her matrimonial home. She was tortured for ends of dowry on account of which she filed Complaint Case No. 109 of 2003 which was compromised between the Parties. The accused then gave an undertaking that he will keep the Complaint well and brought her to



matrimonial home. Thereafter she started living with her husband at Jalandhar where a boy child was born out of the wedlock. Later on, the husband developed an illicit relationship with another girl and started to torture her and demanded more dowry, so she made a Complaint before the Police Officer under whose supervision, once again, she was sent to the Matrimonial home. The matter was then attempted to be compromised at various level but to no avail and hence the present Complaint.

It has been submitted on behalf of the Petitioner that it is impossible to believe that even after eight years of marriage, a person would be tortured for ends of dowry and, more so, when a child is also born out of their wedlock. It is the statement of the Complainant herself that she was living in Jalandhar with her husband who was suspected to be having an illicit relationship with another lady, so, it appears the cause of Complainant is something else and not dowry as alleged.

Notices had been issued to the Opposite Party No. 2 but none appears on her behalf.

Having considered the aforesaid circumstances of the case, the application is allowed and the Proceeding including the order of non-discharge and subsequently revisional order dated 23.2.2011 passed by the Judicial Magistrate, 1st Class, Saharsa, in Complaint

Case No. 944 of 2008 so far as the Petitioners are concerned, is hereby set aside.

However, the quashment of this order shall have no bearing on any other Proceedings.

(Anjana Prakash, J)

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