

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21142 of 2011

Arising Out of PS.Case No.1101 Year- 2010 Thana -null District- SAMASTIPUR

=====

1. Baijnath Mandal S/O Late Nandeo Mandal
2. Srikant Bharti S/O Sri Baijnath Mandal
3. Sukhmani Devi @ Yugli Devi W/O Sri Baijnath Mandal
4. Lalit Kumar S/O Baijnath Mandal
5. Ajay Kumar S/O Baijnath Mandal, all Resident Of Village- Ram Bhadrapur,
P.S.- Hathouri, District- Samastipur

.... Petitioner/s

Versus

1. The State Of Bihar
2. Maya Kumari W/O Srikant Bharti Resident Of Village- Rambhadrapur, P.O.-
Rajaur Rambhadrapur, P.S.- Hathauri, District- Samastipur, At Present D/O Sri
Ganesh Mandal, Resident Of Village-Gaura, P.S.- Hathauri (Sivajinagar O.P.),
District- Samastipur

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Nilesh Kumar, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh No.5, APP

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-08-2015

No one appears on behalf of the Opposite Party No.2 on repeated calls.

The Petitioners seek quashing of the order of cognizance dated 2.3.2011 passed by the Sub Divisional Judicial Magistrate, Rosera in Complaint case No.1101 of 2010.

The case of the Complainant is that she was married to Petitioner No.2 in the year 2005, on which occasion gifts were given to the in-laws. However, when she came to the matrimonial home she was tortured for ends of dowry. She gave birth to a child but they tortured her so much that she tried to commit suicide. On 5.12.2010 some Panchayati was held but the accused persons did not abide by the ruling.

The submission of the Petitioners is that the Complainant never settled in the matrimonial home and was residing with another person, on account of which the Petitioner No.2 filed a Divorce suit in the court of Principal Judge, Family Court, Samastipur bearing Divorce Suit No.257 of 2010 in the month of November, 2010. It is one month later that the present Complaint was filed in December, 2010 with vague and general allegations. The further submission is that it is impossible to believe that a person would be tortured for five long years for ends of dowry and even after birth of a child. No complaint was immediately filed when she was allegedly driven to commit suicide. Moreover the allegations are vague and rambling in nature.

Considering the circumstances of the case, the application is allowed and the proceeding including the order of cognizance dated 2.3.2011 passed by the Sub Divisional Judicial Magistrate, Rosera in Complaint case No.1101 of 2010 is hereby set aside.

However, this order shall not prejudice any party in any manner.

(Anjana Prakash, J)

Narendra/-

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