

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22805 of 2011

- =====
1. Bishnudeo Sah son of Banarshi Sah.
 2. Sanjay Kumar Sah son of Bishnudeo Sah.
 3. Mira Devi wife of Bishnudeo Sah
All residents of village Sitaramur Near the A.K. Gopalam College Post
and P.S. Sultanganj District Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Rita Kumari wife of Sanjay Kumar resident of village Sitarampur P.O &
P.S. Sultanganj Dist-Bhagalpur Present Address : D/o Rajendra Sah
resident of Mohalla Sahpur Umri Lameri Tola Post P.S. Patori District
Samastipur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal, Adv.

For the Opposite Party/s : Mr. Shantanu Kumar, App

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

11 12-02-2015 The application so far as the Petitioner no. 2 is
concerned, is permitted to be withdrawn.

Petitioners no. 1 and 3 are the parents-in-law of the
complainant who seek quashing of the order dated 29.01.2011
passed by the Sub-Divisional Judicial Magistrate, Samastipur in
Cr. No. 899 of 2009 Trial No. 2005 of 2011.

The case of the complainant is that she was married to
the Petitioner No. 2 in a temple on the intervention of the local
police and some NGOs on 26.03.2008. However, she was tortured
for the ends of dowry and finally ousted from the matrimonial
home on 21.05.2009.

It has been submitted on behalf of the petitioners that

the fact of the matter is that the Petitioners no. 1 and 3 did not even participate in the marriage nor did the complainant ever come to her matrimonial house after the forced marriage. Hence, there was no question of any torture having been meted out by them. Also it is conceded in the complaint petition that she was assaulted at the maternal home in Samastipur itself whereas the petitioners are residing in Bhagalpur.

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

Considering the submissions raised, the application stands allowed. The order dated 29.01.2011 passed by the Sub-Divisional Judicial Magistrate, Samastipur in Cr. No. 899 of 2009 Trial No. 2005 of 2011 so far as the Petitioners no. 1 and 3 are concerned, is hereby quashed.

The trial Court is directed to conclude the trial expeditiously so far as Petitioner no. 2 is concerned without granting unnecessary adjournment to any party.

(Anjana Prakash, J)

Prakash/-

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