

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10479 of 2010

Arising Out of P.S. Case No.310C Year- 2009 District- NALANDA (BIHARSHARIFF)

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1. Ram Chandra Prasad, son of late Govind Mahto
 2. Manti Devi @ Malti Devi, wife of Ram Chandra Prasad
 3. Satyendra Kumar, son of Ramchandra Prasad

All are resident of village Muraura Haweli, P.S. Bihar, Distt. Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rajo Mahto, son of late Ramcharan Mahto, resident of village Rajakuan, P.S. Bihar, Distt. Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None.

For the State : Mr. M.N. Jha, A.P.P.

For the Opposite Party No. 2: Mr. Pankaj Kumar-1, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-09-2015

No one appears on behalf of the Petitioners.

The Petitioner seeks quashing of the order of cognizance dated 23.2.2010 passed by the Sub Divisional Judicial Magistrate, Bihar Sharif, Nalanda, in Complaint case No. 310C of 2009.

The case of the Complainant is that his daughter was married to Petitioner No. 3 on 18.6.2004 at a temple whereafter, she went to her matrimonial home. However, the accused persons started torturing her and ultimately ousted from the matrimonial home.

It appears that initially, a First Information Report was instituted, which ended into a Final Report, as a mistake of fact. Subsequently, a Protest-cum-Complaint petition was filed. It further

appears that on 19.6.2004, the Petitioner No. 1 had instituted a case against the family of the Complainant for having kidnapped his son, i.e. Petitioner No. 3, who was aged about 17 years, for the purpose of marriage and on which Laheri P.S. Case No. 66 of 2004 was instituted under Section 363/360 Indian Penal Code. The boy was recovered also from the house of the Opposite Party No. 2. As a backlash, four years later, the present Complaint was filed in order to validate the stand of an invalid marriage.

On the other hand, the counsel for the Complainant submits that even if, his daughter had been married, it forcibly to the Petitioner No. 3 but demands of dowry were made and so the Petitioner should be put on Trial.

Having considered the background facts of the case, I am unable to convince myself that the story of the Complainant is true.

Hence, the application is allowed and the Proceeding including the order of cognizance dated 23.2.2010 passed by the Sub Divisional Judicial Magistrate, Bihar Sharif, Nalanda, in Complaint case No. 310C of 2009, is hereby, set aside, without prejudice to either of the parties.

(Anjana Prakash, J)

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