

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.978 of 2014

Arising Out of PS.Case No. -2200 Year- 2005 Thana -VAISALI COMPLAINT CASE District-
VAISHALI (HAJIPUR)

- =====
1. Anita Devi, wife of Surendra Pandey,
 2. Surendra Pandey, son of Chandradeep Pandey, both resident of village - Maile, P.S.- Bidupur, District – Vaishali, and
 3. Urmila Devi, wife of Mahesh Jha, resident of village - Bera, P.S. - Mahua, District - Vaishali

.... Petitioner/s

Versus

1. The State of Bihar &
2. Baby Devi, Dhruvath Jha, resident of village –Jorpur, P.S.- Patori, District-Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Smt. Anuradha Singh, Advocate

For the Opposite Party/s : Mrs. Veena Kri Jaiswal, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-05-2015

1. The Petitioners, who are the in-laws, seek quashing of the order of cognizance dated 03.03.2006 passed by the Sub-Divisional Judicial Magistrate, Vaishali at Hajipur in Complaint Case No.C1-2200 of 2005.

2. The case of the Complainant is that she was married to Ramesh Kumar Pandey on 05.07.2000 on which occasion large numbers of gifts were given to the in-laws. Out of the wedlock, two children were born but later on she came to know that the husband was living with another girl in Goa.

3. It has been submitted on behalf of the Petitioners that they are the in-laws of the Complainant and used to live separately and

it is impossible that any body would be tortured for ends of dowry even after birth of two children as indicated in the Complaint Petition. The difference between the spouses was on account of extra marital affairs of the husband and the present Petitioners have no role to play.

4. On the other hand, counsel for the Complainant submits that since the Petitioners are the family members of the husband and are in a position to put some pressure on him, they should also be put on trial.

5. In the facts and circumstances of the case, I would be inclined to accept the submission so raised on behalf of the Petitioners as mentioned above.

6. Accordingly, the order of cognizance dated 03.03.2006 passed by the Sub-Divisional Judicial Magistrate, Vaishali at Hajipur in Complaint Case No.C1-2200 of 2005, is hereby set aside in so far as the Petitioners are concerned.

7. The application stands allowed.

(Anjana Prakash, J)

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