

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 38271 of 2014

Arising out of P.S. Case No. -346 Year- 2011 Thana -
BEGUSARAI TOWN District- BEGUSARAI

- =====
1. Ram Shankar Datta @ Ram Shankar Poddar S/o Late Bir Narayan Poddar R/o village- Baghi, P.S.- Lohia Nagar, District- Begusarai, at Present Warden District Jail, Dhanbad, Jharkhand.
 2. Hem Prabha Rai W/o Ravi Shankar Datta R/o village- Baghi, P.S.- Lohia Nagar, Distt.- Begusarai. Petitioner/s
- Versus

1. The State of Bihar.
 2. Monika Kumari D/o Sitaram Pandey R/o Professor Colony, Ward No.-25, Farbesganj, District- Araria..... Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. Anujit Sinha, Adv.

For the Opposite Party/s : Mr. Binod Kumar, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 16-07-2015

The Petitioners who are the in-laws of the Opposite Party No. 2 seek quashing of the proceeding including the order of cognizance dated 14.02.2012 passed by the Chief Judicial Magistrate, Begusarai in Begusarai P.S. Case No. 346 of 2011.

The case of the Informant is that she was married to the son of the Petitioner on 21.04.2008 at a temple. She and the boy used to study together and fallen in love and thereafter married. However, after marriage the boy came to her house when she came to Patna from Indore and that he would not take her home till such time as her sister was married and, therefore, the marriage be kept secret. She agreed with his proposal and continued to stay with him out of which a child was born. Two years later, her husband and the rest of the inmates started demanding dowry and tortured her. They also threatened

her of being implicated in criminal cases. On such apprehension, she filed the present First Information Report.

It has been submitted on behalf of the Petitioners that as is admitted by the Informant she had married the son of the Petitioners at Indore and was living as his wife for two years. It is impossible to believe that thereafter the Petitioners would in any way be instrumental in breaking the marriage. Evidently, some incompatibility arose between the spouses which has led to institution of the present false case.

On the other hand, Counsel for the Informant submits since the Petitioners were in-laws they were bound to ensure matrimonial harmony and, hence, they should be put on trial.

Considering the circumstances of the case, I am unable to satisfy myself that as to what criminal offence is made out, and hence the proceeding including the order of cognizance dated 14.02.2012 passed by the Chief Judicial Magistrate, Begusarai in Begusarai P.S. Case No. 346 of 2011 is, hereby, set aside so far as the Petitioners are concerned.

The application stands allowed.

(Anjana Prakash, J.)

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