

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40490 of 2014

Arising Out of PS.Case No. -56 Year- 2014 Thana -GHANSHYAMPUR District- DARBHANGA

- =====
1. Ganga Jha @ Ganga Prasad Jha Son of Late Narayan Jha
 2. Vinod Devi @ Vinod Devi Wife of Ganga Jha @ Ganga Prasad Jha
Both R/o Village Rasiyari, P.S. Ghanshyampur, District Darbhanga
 3. Hira Devi D/o Ganga Jha @ Ganga Prasad Jha, W/o Promod Mishra
 4. Saraswati Devi @ Sarosati Devi D/o Pramod Mishra
Both R/o Village Jaydevpatti, P.S. Ghanshyampur, District Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. Suman Devi Wife of Murari Jha R/o Village Rasiyari, P.S. Ghanshyampur,
District Darbhanga

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha, Adv.

For the State : Mr. Rajendra Nath Jha, A.P.P.

For the Opposite Party No. 2: Mr. Dharmendra Kr. Sinha, Adv.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 17-09-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of cognizance dated 22.8.2014 passed by the Judicial Magistrate, 1st Class, Biraul at Benipur, in Ghanshyampur P.S. Case No. 56 of 2014, corresponding to G.R. No. 292 of 2014 arising out of T.R. No. 2736 of 2014.

The case of the Informant is that she was married to Murari Jha about 16 years ago but she was tortured for ends of dowry and her husband was assaulted by the Petitioners on account of which her husband fled away and till date he was traceless and, hence, the present First information Report.

It has been submitted on behalf of the Petitioners that fact of the matter is that the present case is one under Section 498A Indian Penal Code. It is improbable that a person would be tortured for ends of

dowry even 16 years after marriage. The dispute is merely over the property which the Informant thinks she is entitled to and, hence, she filed the present case with trumped up charges of assault.

On the other hand, the counsel for the Informant submits that since she has been ousted from her matrimonial home, the present Prosecution should not be quashed.

Having considered that essentially dispute centers around the right of residence of the Informant in the matrimonial home which is the subject matter of the present Proceeding, the application is allowed and the Proceeding including the order of cognizance dated 22.8.2014 passed by the Judicial Magistrate, 1st Class, Biraul at Benipur, in connection with Ghanshyampur P.S. Case No. 56 of 2014, corresponding to G.R. Case No. 292 of 2014 arising out of T.R. No. 2736 of 2014, is hereby set aside.

However, it will be open to the Informant to avail other remedies in accordance with law.

(Anjana Prakash, J)

S.Ali/-

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