

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 30302 of 2014

Arising Out of PS.Case No. -3302 Year- 2010 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Prakash Kumar Mishra Son of Kameshwar Prasad Mishra
2. Kameshwar Prasad Mishra Son of Late Baidyanath Mishra
3. Smt. Meera Devi Wife of Kameshwar Prasad Mishra
4. Jyoti Mishra Son of Kameshwar Prasad Mishra
5. Priyanka Mishra Wife of Jyoti Mishra All are resident of Suvai, P.S.- Hazipur,
district- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Mishra, Adv.
For the State : Mr. C Jawahar, APP
For the Opposite Party/s : Dr. Pramod Kr. Pandey, Adv.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 08-10-2015

In the nature of dispute between the parties the matter was sent to the Patna High Court Meditation Centre where the Petitioner no. 1 has not appeared.

The application so far as he is concerned, is dismissed.

The rest of the petitioners seek quashing of the order of none discharge dated 02.04.2014 passed by the Judicial Magistrate 1st Class, Patna.

The case of the complainant is that she was married to the Petitioner no. 1 on 11.07.2008 where after she went to the matrimonial home and a child was also born. However, she was tortured for ends of dowry on account of which she went to the maternal home and finally she was abandoned for ends of dowry.

It has been submitted on behalf of the petitioners that fact of the matter is that when the complainant went to live in the maternal home she did not want to return to the matrimonial home on account of which the husband was compelled to file a petition under Section 9 of the Hindu Marriage Act on 07.08.1010. It is then that she approached the Mahila help line on 29.09.2010 in order to create a defence. Even though she approached the help line, she never appeared there. A Sanha was also filed on 1.4.2010 by the Petitioner no. 2 with regard to the ill behaviour of the in-laws of Petitioner no. 1. From these documents it is evident that the present complaint is nothing but a gross abuse of process of the Court.

On the other hand counsel for the complainant submits since the complainant did not have any viable option, she could not approach the Court on time.

Having gone through the fact that various litigations are pending between the parties, I would be inclined to accept the submissions of the petitioners. Hence the application is allowed and the order of none discharge dated 02.04.2014 passed by the Judicial Magistrate 1st Class, Patna as against the Petitioners no. 2 to 6, is hereby set aside.

(Anjana Prakash, J)

Prakash/-

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