

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36651 of 2014

Arising Out of PS.Case No. -33 Year- 2012 Thana -MAHILA P.S. District- LAKHISARAI

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1. Garib Saw Son of Ram Kishun Saw
2. Gopal Saw Son of Garib Saw
3. Renu devi Wife of Gopal Saw
4. Reena Devi Daughter of Ramdhari Saw Wife of karu Saw @ Karya Nand Saw
All resident of village- Baamtiya, P.So.- Sahur, P.S.- Chanan, District- Lakhisarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 08-10-2015

The petitioners who are in-laws seek quashing of the order dated 26.03.2014 passed by the Chief Judicial Magistrate, Lakhisarai in G.R. No. 1346 of 2012.

The case of the informant is that she was married with Karu Saw @ Karya Nand Saw 10 years ago and there were two children from their wedlock. Since last five years, the in-laws started torturing her in various ways on account of which she filed the present first information report.

It has been submitted on behalf of the petitioners that it is impossible to believe that any person would be tortured for ends of dowry even after 10 years. Evidently there were some other dispute which led to institution of the present first information report with

trumped of charges of torture on account of non fulfillment of demand of dowry.

On the other hand counsel for the informant submits that since the husband had disappeared, the petitioners should be put on trial so as to met justice to the informant.

Having considered the duration of marriage and relationship of the present petitioners with the informant and the vague nature of allegations, I would be inclined to hold that the continuance of the trial would gross abuse of the process of the Court. Hence the application is allowed so far as the petitioners are concerned and the order dated 26.03.2014 passed by the Chief Judicial Magistrate, Lakhisarai in G.R. No. 1346 of 2012 is hereby set aside.

(Anjana Prakash, J)

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