

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35662 of 2014

Arising Out of PS.Case No. -664 Year- 2006 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

- =====
1. Mithilesh Singh, son of late Ram Nandan Singh
 2. Chitranjan Singh, son of late Ram Nandan Singh
 3. Akhilesh Singh, son of late Ram Nandan Singh
 4. Laxmi Singh, son of late Ram Nandan Singh
 5. Ashok Singh, son of late Ram Nandan Singh
 6. Sunaina Devi, wife of Laxmi Singh
 7. Malti Devi, wife of Akhilesh Singh
- All resident of village Mali Ramgarh, P.O. Mali, P.S. Karpi, Distt. Arwal.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sharda Devi, wife of Subodh Satyarthi @ Kanchan Kumar, at present r/o village Unta Makhdumpur, near New Electricity Colony, P.S. and Distt. Jehanabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indradeo Prasad, Adv.

For the State : Mr. Narsing Tanti, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 26-11-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners who are the in-laws seek quashing of the order of cognizance dated 21.6.2014 passed by the Sub Divisional Judicial Magistrate, Jehanabad, in Complaint Case No. 664 of 2006/T.R. No. 226 of 2014.

The case of the Complainant is that she was married to Subodh Satyarthi on 30.5.2002 after which she went to her matrimonial home. However, everyone assaulted her because she was dark complexioned and demanded dowry. When she failed to accede to the demands, she was humiliated and assaulted by the accused

persons.

It has been submitted on behalf of the Petitioners that they are separate in mess from the husband of the Complainant and it does not appear probable that a person who was married in the year 2002 would be tortured for the next four years for dowry. Evidently, there was incompatibility issue between the husband and wife which has led to institution of the present Complaint.

On the other hand, the counsel for the Complainant submits that since the Petitioners are family members, they should be put on trial.

Having considered the vague and sweeping nature of allegation against the Petitioners, the application is allowed and the Proceeding including the order of cognizance dated 21.6.2014 passed by the Sub Divisional Judicial Magistrate, Jehanabad, in Complaint Case No. 664 of 2006/T.R. No. 226 of 2014, so far as the present Petitioners are concerned, is hereby, set aside.

However, the Court below is directed to take stringent steps for ensuring arrest of accused Subodh Satyarthi.

(Anjana Prakash, J)

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