

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18469 of 2012

Arising Out of PS.Case No. 1692 Year- 2007 Thana -null District- MUZAFFARPUR

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1. Punam Devi @ Punam Sharma W/O Sri Shyama Nand Sharma
 2. Shyama Nand Sharma S/O Late Binda Prasad Singh @ Binda Sharma
 3. Chandan Kumar @ Chandan Sharma S/O Sri Shyama Nand Sharma
 4. Anand Kumar S/O Sri Shyama Nand Sharma
 5. Ashish Kumar S/O Sri Shyama Nand Sharma
 6. Anjita Kumari D/O Sri Shyama Nand Sharma, all Resident Of Village- Jatkauli, P.S.- Vaishali, District- Vaishali At Hajipur

.... Petitioner/s

Versus

1. The State Of Bihar
2. Lakshmeshwar Thakur, Advocate S/O Late Yugal Kishore Thakur Resident Of Village- Patahi Chawk, P.S.- Sadar, District- Muzaffarpur.
3. Niketa Jaya Pushkar daughter of Lakshmeshwar Thakur, Resident Of Village- Patahi Chawk, P.S.- Sadar, District- Muzaffarpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahesh Narayan Parbat, Advocate

For the Opposite Party/s : Mr. R.B. Roy Raman, APP

For private Opposite Parties : Mr. Dinesh Prasad Verma, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-08-2015

Mr. Mahesh Narayan Parbat, learned Counsel for the
Petitioners seeks permission to withdraw the application so far as the
Petitioner No.3 is concerned.

Application against Petitioner No.3 is dismissed as withdrawn.

As for rest of the Petitioners, who are the in-laws, seek
quashing of the order of cognizance dated 14.8.2007 passed by the
Sub Divisional Judicial Magistrate, Muzaffarpur in Complaint case
No. C-1692 of 2007 (Trial No.1138 of 2011).



The case of the Complainant is that his daughter was married to the Petitioner No.3 on 19.2.2007, whereafter she went to her matrimonial home. However, the in-laws started torturing her on account of non-fulfilment of additional dowry and thereafter she was ousted from the matrimonial home after her signature was obtained on some blank papers.

The submission of the Petitioners is that no doubt the present Complaint has been filed under Section 498A I.P.C. by the father of the Complainant, but fact of the matter is that the daughter of the Complainant had not wished to reside in her matrimonial home, on account of which the husband had filed Matrimonial case No.52 of 2009 under Section 9 of the Hindu Marriage Act before the Principal Judge, Family Court, Hajipur on 13.4.2009. Then the Complainant's daughter had filed Matrimonial case No.315 of 2009 before the Principal Judge, Family Court, Muzaffarpur on 16.11.2009 seeking divorce. In such circumstances, the Petitioners submit that when the wife herself was not desirous of continuing her matrimonial relationship and hence the prosecution should be quashed.

On the other hand, the Counsel for the Complainant submits that irrespective of the divorce since the Petitioners had committed wrong with his daughter, they should be put on trial.

Having considered the vague nature of allegations against the

Petitioners, I would be inclined to hold that their prosecution is not sustainable. Hence, the application is allowed and the proceeding so far as the Petitioners No.1, 2 and 4 to 6 is concerned including the order of cognizance dated 14.8.2007 passed by the Sub Divisional Judicial Magistrate, Muzaffarpur in Complaint case No. C-1692 of 2007 (Trial No.1138 of 2011) is hereby set aside.

However, this order shall not prejudice any party in any manner.

(Anjana Prakash, J)

Narendra/-

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