

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 19443 of 2012

Arising out of P.S. Case No. -0 Year- null Thana -null
District- GAYA

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1. Niraj Bharti S/o Sri Basudeo Prasad Resident of Mohalla- Moldiar Tola, Tarwana, Mokamah, Ward No.-11, Police Station- Mokamah, District- Patna.
 2. Basudeo Prasad S/o Late Ram Khelawan Sao Resident of Mohalla- Moldiar Tola, Tarwana, Mokamah, Ward No.-11, Police Station- Mokamah, District- Patna.
 3. Bimla Devi W/o Sri Basudeo Prasad Resident of Mohalla- Moldiar Tola, Tarwana, Mokamah, Ward No.-11, Police Station- Mokamah, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Rajni Bharti @ Rajnigandha, D/o Sri Nand Lal Verma, presently residing in Delha Mohalla, Mandraj Bigha, Police Station-Delha in the town and District of Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. A. K. Singh, Adv.

For the Opposite Party/s : Mr. Bimal Kumar No. 2. Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 20-07-2015

It has been submitted that the Petitioner No. 3 is dead and, therefore, his application is dismissed as having become infructuous.

Learned Counsel for the Petitioners seeks permission to withdraw the application of Petitioner No. 1, Niraj Bharti to avail his other remedies.

The application is dismissed as withdrawn with regard to Petitioner No. 1.

The Petitioner No. 2 who happens to be the

father-in-law of the Complainant seeks quashing of the order of cognizance dated 18.02.2012 passed by the Sub-divisional Judicial Magistrate, Gaya in Complaint Case No. 80 of 2011.

The case of the Complainant is that she was married to the Petitioner No. 1 on 19.01.2006 according to the Hindu Rituals on which occasion large number of gifts were given to the in-laws. However, when she came to her matrimonial home she was taunted collectively. She gave birth to a female child after which the accused persons started to physical and mental torture her for more dowry. She was then ousted from the matrimonial home.

It has been submitted on behalf of the Petitioner No. 2 that it is impossible to believe that the person who was married in the year 2006 would be tortured for five years continuously for dowry even after the birth of a child. It appears that the main grouse is against the Petitioner No. 1 who had filed a divorce case against her on ground of mental cruelty.

On the other hand, Counsel for the Complainant submits that the Petitioner No. 2 is the father-in-law he should have taken care of matrimonial harmony which he did not do and, hence, he should be put on trial.

Having considered the vague nature of allegations against the Petitioner No. 2, I am inclined to hold that the allegation against him is not reliable.

Hence, the proceeding including the order of cognizance dated 18.02.2012 passed by the Sub-divisional Judicial Magistrate, Gaya in Complaint Case No. 80 of 2011 is, hereby, set aside so far as the Petitioner No. 2 is concerned.

The application stands allowed.

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

(Anjana Prakash, J.)

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