

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17063 of 2012

Arising Out of PS.Case No. 1867 Year- 2011 Thana -null District- KATIHAR

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1. Bireswar Mitra @ Bilu Mitra S/O Shanti Mitra
2. Babita Mitra W/O Bireshwar Mitra @ Bilu Mitra, both R/O Mohalla-Binodpur,
P.S. & Distt-Katihar

.... Petitioner/s

Versus

1. The State Of Bihar
2. Rinku Samanto w/o Rajeev Das D/o late Rabindra Nath Samanto, r/o village
Chandpur, P.S. Kadwa, Dist. Katihar, at present living at Mohalla Colony No.1,
Durgasthan, P.S. & Dist. Katihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate
For the Opposite Party/s : Mr. Rajendra Pd. Nat, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT
Date: 03-08-2015

The Petitioners, who are Nanad and Nandosri of the
Complainant, seek quashing of the order of cognizance dated
15.10.2011 passed by the Sub Divisional Judicial Magistrate, Katihar
in Complaint case C.A. No.1867 of 2011.

The case of the Complainant is that she was married to
Rajeev Kumar Das on 7.3.2011 but on a misconception about his
position. Later on the in-laws started demanding dowry and when the
demands were not fulfilled she was tortured and ousted from the
matrimonial home.

It has been submitted on behalf of the Petitioners that

they had a separate household and had no concern with the affairs of the Complainant and her husband.

In the nature of dispute, the matter was referred to the Mediation Centre but the things could not be finally sorted out. Since repeated demands were made by the Complainant for return of her articles, this Court had directed the Petitioners to do so. The stand of the Petitioners is that they do not have any of the articles of the Complainant. If at all it is the husband, who should return the same to the Complainant.

Be that as it may, looking into the vague nature of allegations against the Petitioners, the application is allowed and the proceeding so far as the Petitioners is concerned including the order of cognizance dated 15.10.2011 passed by the Sub Divisional Judicial Magistrate, Katihar in Complaint case C.A. No.1867 of 2011 is hereby set aside.

However, this order shall not prejudice any party in any manner and the Court below shall consider directing the husband to return the articles to end the dispute finally.

(Anjana Prakash, J)

Narendra/-

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