

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47521 of 2013

Arising Out of Complaint Case No.C1-724 of 2010 District- NALANDA (BIHARSHARIFF)

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1. Ramesh Prasad Son Of Late Ramsharan Saw
 2. Manorma Devi Wife Of Ramesh Prasad
- Both Resident Of Village - Srichandpur, P.S.- Harnaut, District - Nalanda

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Tara Devi Wife Of Dinesh Das Daughter Of Late Sanjeev Kumar Present
Resident Of Village - Srichandpur, P.S.- Harnaut, District - Nalanda

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Adv.

For the Opposite Party/s : Mr. K.M. Joseph, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 27-08-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners who are the parents-in-law of the Opposite Party No. 2 seek quashing of the order of cognizance dated 18.9.2010 passed by the Judicial Magistrate, 1st Class, Biharsharif, Nalanda, in Complaint Case No. 724C of 2010.

The case of the Complainant is that she had earlier been married with Dinesh Das but, since, he was suffering from Cancer before his marriage, they separated. Subsequently, the Opposite Party No. 2 got married with the son of the Petitioners which was an inter-caste marriage in the year 2008 without exchange of any dowry. Subsequently, when she went to her matrimonial home, the accused

persons started demanding dowry and also tortured her in various ways. On a certain date when she was sleeping in her room, suddenly, the accused persons came and started strangulating her but she woke up and anyhow escaped. A child was born from the said wedlock.

It has been submitted on behalf of the Petitioners that they are the parents-in-law of the Opposite Party No. 2 and the allegations against them, are vague in nature.

Moreover, when the Complainant herself has stated that no exchange of gifts had taken place at the time of marriage, it is unbelievable that she would have been tortured for ends of dowry even after seven years of marriage and more so, when it was inter-caste and a second marriage of the Complainant.

It appears that after the spouses had married each other out of their own sweet will, something went sour and, hence, the present complaint with trumped up charges have been filed roping in the Petitioners.

On the other hand, the counsel for the Complainant submits that since the husband has been playing a fraud upon her and he is not ready to participate in the DNA test as directed by the Court below, the Petitioners should be put on Trial

Having considered the vague nature of allegation as against the Petitioners, I would be inclined to hold that their

Prosecution is unwarranted.

Hence, the application is allowed and the Proceeding including the order of cognizance dated 18.9.2010 passed by the Judicial Magistrate, 1st Class, Biharsharif, Nalanda, in Complaint Case No. 724C of 2010, so far as the Petitioners are concerned, is hereby set aside.

S.Ali/-

(Anjana Prakash, J)

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