

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 38725 of 2014

Arising out of P.S. Case No. -1219 Year- 2014 Thana -SIWAN
COMPLAINT CASE District- SIWAN

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1. Shyam Bihari Singh Son of Ram Balak Singh.
 2. Ram Balak Singh.
 3. Shakuntala Devi Wife of Ram Balak Singh.
 4. Raju Singh Son of Ram Balak Singh.
 5. Mantu Singh Son of Ram Balak Singh.
 6. Vijay Singh Son of Ram Balak Singh All Resident of village-
Nayanpura (Naharpar), P.S.- Pachrukhi, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Lilawati Devi Wife of Shyam Bihari Singh, D/o Late Nageshwar
Singh Resident of village- Itawan, P.S.- Pachrukhi, District-
Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 05-11-2015

Learned Counsel for the Petitioners is permitted to
withdraw the application so far as the Petitioner No. 1, Shyam
Bihari Singh is concerned.

As for the rest of the Petitioners who are the in-laws
seek quashing of the order of cognizance dated 19.06.2014
passed by the Sub-divisional Judicial Magistrate, Siwan in
Complaint Case No. 1219 of 2014 (Tr. No. 4725 of 2014).

The case of the Complainant is that she was
married to the Petitioner No. 1 on 01.06.2013 on which
occasion large number of gifts were given to the in-laws. Later

on, she went to the matrimonial home she was tortured for ends of dowry. After ten days, they started threatening her that they would leave her. She was also abused and assaulted by the husband and her sister-in-law after which she was ousted from the matrimonial home.

It has been submitted on behalf of the Petitioners that the Complainant merely stated that after the marriage some issue arose between the husband and wife which has led to institution of the Complaint in which the rest of the Petitioners have been unnecessarily roped in.

On the other hand, Counsel for the Complainant submits that since the Petitioner No. 1 is refusing to co-habitat with the wife all the accused persons should be put on trial.

Having considered the vague nature of allegations against the Petitioners and the relation-ship, the proceeding including the order of cognizance dated 19.06.2014 passed by the Sub-divisional Judicial Magistrate, Siwan in Complaint Case No. 1219 of 2014 (Tr. No. 4725 of 2014) is, hereby, set aside so far as the Petitioners No. 2 to 6 are concerned.

The Application stands allowed.

(Anjana Prakash, J.)

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