

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32460 of 2012

Arising Out of PS.Case No. -245 Year- 2001 Thana -null District- PATNA

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1. Smt. Pushpa Sinha W/O Sri Shankar Prasad Residing at Chiraiyatand (Budh-Nagar), Road No. 2, P.S- Kankarbagh, Distt- Patna.
 2. Shankar Prasad S/O Sri Ramanuj Prasad Residing at Chiraiyatand (Budh-Nagar), Road No. 2, P.S- Kankarbagh, Distt- Patna.
 3. Shashi Ranjan Sahay S/O Late Sidheshwar Prasad Residing At Chiraiyatand (Budh- Nagar), Road No. 2, P.S- Kankarbagh, Distt- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Heera Mani Devi W/O Murli Manohar Lal Resident Of Brahmpur, P.S- Phulwari Sharif, Distt- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Adv.
For the State : Mr. Indihar Kumri, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT
Date: 17-04-2015

The petitioner seeks quashing of the order dated 25.01.2012 by which the Judicial Magistrate 1st Class Patna in Phulwari Sarif P.S. Case No. 245 of 2001 has rejected the petition filed under Section 239 Cr.P.C.

The case of the informant is that the petitioners who happen to be her 'Gotni', 'Jeth' and their son-in-law, had arranged the marriage of her daughter with the person who was unemployed which subsequently failed. The allegation against the petitioners was that they had taken active role in getting the marriage solemnized and at every step they had induced her to pay dowry to the in-laws for which

reason she sought their prosecution.

Counsel for the petitioners submits that even conceding the allegation in the complaint petition, no criminal offence would be made out inasmuch as marriage of the daughter of the informant failed on account of them for which they cannot be blamed.

Counsel for the informant submitted that since they had negotiated the marriage despite knowing the negative aspects of the groom they should be put on trial.

Having considered the facts of the case as enumerated, I am unable to convenience myself that any offence is made out against the present petitioners. Hence the application is allowed and the order dated 25.01.2012 passed the Judicial Magistrate 1st Class Patna in Phulwari Sarif P.S. Case No. 245 of 2001, is hereby quashed so far as the petitioners are concerned.

(Anjana Prakash, J)

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