

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 12109 of 2013

Arising out of P.S. Case No. -316 Year- 2012 Thana -PATNA
COMPLAINT CASE District-Patna.

- =====
1. Omkar Kumar Om S/o Udai Kumar Singh Resident of Village- Bihari Bigha Purbari Tola, P.S.- Pandarak, District- Patna.
 2. Udai Kumar Singh S/o Late Yadunandan Pd. Singh Resident of Village- Bihari Bigha Purbari Tola, P.S.- Pandarak, District- Patna.
 3. Gaytri Devi W/o Udai Kumar Singh Resident of Village- Bihari Bigha Purbari Tola, P.S.- Pandarak, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Guria Devi W/o Omkar Kumar W/o Ram Ashray Singh Resident of Village- Kurtha Phulwaria, P.O.- Baikathpur, P.S.- Khusrupur, Dist.- Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. P. Kumar, Adv.

For the Opposite Party/s: Mr. APP.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 28-09-2015

No one appears on behalf of the Opposite Party

No. 2.

The Petitioners seek quashing of the order of cognizance dated 26.06.2012 passed by the Sub-divisional Judicial Magistrate, Patna City, Patna in C.A. Case No. 316 of 2012.

The case of the Complainant is that she was married to the Petitioner No. 1 in 2003 and the relationship was alright for the next three years but later on in-laws started torturing her for ends of dowry and, hence, she filed the present Complaint in the year 2012.

It has been submitted on behalf of the

Petitioners that there was some incompatibility issue between the husband and wife on account of which the husband filed a Matrimonial Suit on 15.12.2011 in which notices were issued to the Opposite Party No. 2 for her appearance on 29.02.2012. As soon as she received the notice on 05.04.2012 she instituted the present Complaint with vague and general allegations in order to make out a defence. The husband also filed informatory petition on 24.11.2011 because his wife used to reside in the maternal home. In this background, the Petitioners submit that the prosecution should be set aside.

Having gone through the background facts of the case, I would be inclined to accept the submission so raised on behalf of the Petitioners.

Hence, the entire proceeding as against all the accused persons including the order of cognizance dated 26.06.2012 passed by the Sub-divisional Judicial Magistrate, Patna City, Patna in C.A. Case No. 316 of 2012 is, hereby, set aside.

The Application stands allowed without prejudice to the right of the parties.

(Anjana Prakash, J.)

Vikash/-

U		T	
---	--	---	--