

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20753 of 2013

Arising Out of PS.Case No. -1441 Year- 2007 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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1. Sunit Raj @ Anjani Raj, son of Sri Krishnandan Choudhary, resident of village - Hussainpur, P.S. Rahui, District – Nalanda, at present posted as Deputy General Manager (Operation), Ratnagiri Power Project Ltd., Ratnagiri (Maharashtra),
 2. Shivani Raj @ Shivani, wife of Anjani Raj, at present posted on the post of Teacher at Project School, Ratnagiri Power Project Ltd., Ratnagiri (Maharashtra)

.... Petitioner/s

Versus

1. The State of Bihar
2. Sri Ram Chandra Prasad, S/O Late Ram Nandan Prasad, resident of mohalla - Professor Colony, Dhaneshwar Ghat, P.S. - Bihar Sharif, District - Nalanda

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Prasad Sinha, Advocate

For the Opposite Party/s : Mr. C. Jawhar, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 21-05-2015

Supplementary Affidavit filed today stating therein that

Charges have not been framed as yet be kept on record.

The Petitioners seek quashing of the order of cognizance dated 15.07.2008 passed by the Chief Judicial Magistrate, Nalanda at Bihar Sharif, in Complaint Case No.1441-C of 2007.

The case of the Complainant is that the Complainant's daughter was married to Amrit Raj, brother of Petitioner No.1, on 11.12.2002 on which occasion gifts were given to the in-laws. However, the family started torturing his daughter. They wanted to

marry Amrit Raj with the daughter of one Kamta Prasad and when he objected a case was lodged as Gardani Bagh P.S. Case No.312 of 2003. The Complainant also lodged a Complaint before the State Women's Commission, Patna, on 12.09.2003 on account of which his marriage was not performed. The daughter of the Informant had also a son from the marriage.

It has been submitted on behalf of the Petitioners that the Petitioner No.1 is Deputy General Manager (Operation), Ratanagiri Power Project Limited, Ratnagiri, Maharastra, and used to reside in Maharastra with Petitioner No.2, who is his wife, and had no concern with the affairs of his brother and the present Complaint is unjustified. Also there appears to be some dispute between the husband and wife which led to institution of the present Complaint case. Further submission is that it is impossible to believe that a person, who was married in the year 2002, would be continued to be tortured for the next five years for ends of dowry even after birth of a child.

On the other hand, counsel for the Complainant submits that since the Petitioners are the family members, they should also face trial.

Having considered the nature of allegation and submission of the Petitioners, I would be inclined to hold that so far

as the Petitioners are concerned their prosecution is unjustified.

Hence, the order of cognizance dated 15.07.2008 passed by the Chief Judicial Magistrate, Nalanda at Bihar Sharif, in Complaint Case No.1441-C of 2007, is hereby set aside in so far as the Petitioners are concerned.

The application stands allowed.

(Anjana Prakash, J)

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