

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54391 of 2013

Arising Out of PS.Case No. -113 Year- 2008 Thana -HASPURA District- AURANGABAD

1. Prem Prakash Verma @ Sunil Kumar Singh S/O Late Hari Narayan Singh,
Resident Of Village- Purhara, P.S.- Haspura, Distt.- Aurangabad

.... Petitioner/s

Versus

1. The State Of Bihar
2. Ramwati Devi W/O Prem Prakash Verma, D/O Late Kamal Singh, Resident Of
Village- Ramlagan Bigha, P.S.- Parasi, Distt.- Arwal at Present Birjupur, P.S.-
Kurth, Distt.- Arwal

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 23-07-2015

Supplementary Affidavit filed on behalf of the Petitioner
stating therein that the Opposite Party No.2 has remarried and is
living in another place, be kept on the record.

The Petitioner, who is the husband of the Informant,
seeks quashing of the order of cognizance dated 18.3.2009 passed by
the S.D.J.M., Daudnagar in Haspura P.S. case No.113 of 2008 (G.R.
No.952 of 2008 Trial No.226 of 2013).

The case of the Informant is that she was married to the
Petitioner about two years ago and she lived in her matrimonial home
for a month. Thereafter she returned to her parental home and when
once again she came to her matrimonial home she was assaulted for

ends of dowry and thereafter turned out from there.

It has been submitted on behalf of the Petitioner that in fact the Informant was not happy with the Petitioner because he was merely a labourer and there was no question of torture being meted out to her. The Petitioner himself had no parents and has only a brother who is separate in mess. In such circumstances, there was no reason why the Informant could have ever grouse against the Petitioner. The further submission is that the Informant is not taking interest in the matter.

Notices had been issued to the Opposite Party No.2 but none appears on her behalf.

Considering the submission of the Petitioner, the application is allowed and the proceeding including the order of cognizance dated 18.3.2009 passed by the S.D.J.M., Daudnagar in Haspura P.S. case No.113 of 2008 (G.R. No.952 of 2008 Trial No.226 of 2013) is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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