

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 33067 of 2010

Arising out of P.S. Case No. -486(C) Year- 2007 Thana –
Complaint Case District- PATNA

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1. Sanyogita Devi @ Sanyugata Singh, Wife of Upendra Singh.
 2. Upendra Singh, Son of Late Bito Singh.
 3. Abhas Kumar, Son of Upendra Singh. All resident of Village-
Laldih, P.S.-Ghatshila, District-East Singhbhum, Jharkhand.
- Petitioner/s

Versus

1. The State of Bihar.
2. Bhaglaxmi Gopa, Wife of Abhas Kumar and D/o Arvind Kumar
Singh, Resident of Village-Raily, P.O. Barh via Pandarak, P.S.-
Pandarak, District-Patna.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. P. N. Pandit, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 19-05-2015

Learned Counsel for the Petitioners seeks
permission to withdraw the application so far as the
Petitioner No. 3 is concerned to raise all these points at
the relevant stage.

The application is dismissed as withdrawn with
regard to Petitioner No. 3.

The rest of the Petitioners who are in-laws seek
quashing of the order of cognizance dated 30.07.2008
passed by the Sub-divisional Judicial Magistrate, Barh,
Patna in Complaint Case No. 486(C) of 2007.

The case of the Complainant is that she was
married to the Petitioner No. 3 on 24.05.2004 whereafter

she went to her matrimonial home. However, everyone started demanding additional dowry and on account of non-fulfilment of the same she was ousted from the matrimonial home on 04.10.2007.

It has been submitted on behalf of the Petitioners that fact of the matter is that the Petitioner No. 3 is a handicapped person being deaf and dumb and the Complainant is also handicapped and they got married after full disclosure of facts. However, when the Complainant went to her matrimonial home she stayed for a very short while and was unable to accept her husband who was handicapped. Evidently, there were differences between them. Petitioner No. 3 then filed a Divorce Suit No. 126/26 on 28.06.2006 on ground of physical and mental cruelty and then the marriage was dissolved by an ex parte order dated 06.09.2008 on account of her non-appearance despite the notice having been validly served upon her. The Complainant has not filed any appeal against the decree of divorce.

The Petitioner No. 2 who is the father of the husband has also filed an inforatory petition before the S.P. Jamshedpur on 26.06.2006 on the ground that they had apprehension of frivolous prosecution. It is thereafter that the present Complaint was filed on 08.10.2007.

On the other hand, Counsel for the

Complainant submits that the Complainant has filed miscellaneous petition for recall of the decree of divorce and, hence, the Petitioners should be put on trial.

Having gone through the Complaint Petition, I am satisfied that the Complaint against the Petitioners No. 1 and 2 are unsustainable.

Hence, the proceeding including the order of cognizance dated 30.07.2008 passed by the Sub-divisional Judicial Magistrate, Barh, Patna in Complaint Case No. 486(C) of 2007 is, hereby, set aside so far as the Petitioners No. 1 and 2 are concerned.

The application stands allowed.

Vikash/-

(Anjana Prakash, J.)

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