

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33067 of 2012

Arising Out of PS.Case No. -1900 Year- 2009 Thana -null District- BHOJPUR

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1. Radhika Devi Wife Of Late Shyam Bachan Singh Resident Of Village - Atiyamo, P.S. - Ghoshi, District - Jehanabad
 2. Pramod Kumar Son Of Late Shyam Bachan Singh Resident Of Village - Atiyamo, P.S. - Ghoshi, District - Jehanabad
 3. Jai Ram Singh Son Of Late Shyam Bachan Singh Resident Of Village - Atiyamo, P.S. - Ghoshi, District - Jehanabad
 4. Awadhesh Singh Son Of Late Shyam Bachan Singh Resident Of Village - Atiyamo, P.S. - Ghoshi, District - Jehanabad
 5. Binod Singh Son Of Late Shyam Bachan Singh Resident Of Village - Atiyamo, P.S. - Ghoshi, District - Jehanabad
 6. Jully Devi D/O Lal Muni Singh Resident Of Village - Tungi, P.S. - Deepnagar, District - Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. Sweeti Devi D/O Amrendra Kumar Singh Resident Of Mohalla - Kanakpuri (Near Jain College) East Gate, P.O. - Arrah (Nawada), P.S. - Arrah Nawada, District - Bhojpur, At Present Address Krishnapuri Colony Madarpur East Of Devi Mandir, Near Railway Line, P.S. - Jehanabad, District - Dhanbad

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 25-08-2015

Learned counsel for the petitioners seeks permission to withdraw the application with regard to Petitioner no. 2 who happens to be the husband of O.P. No. 2.

The prayer is allowed.

The rest of the petitioners who are in-laws seek quashing of the order of cognizance dated 17.04.2010 passed by the Sub-

Divisional Judicial Magistrate, Arrah in Complaint Case No. 1900C of 2009, Tr. No. 2309 of 2010.

The case of the complainant is that she was married to the Petitioner no. 2 on 27.06.2007 on which occasion large number of gifts were given to the in-laws. However, when she went to her matrimonial home she was deprived of food and medicines and tortured for ends of dowry. She also learnt that her husband remarried Petitioner no. 6.

The submission of the petitioners is that in fact the husband used to work in the Border Security Force and after marriage the complainant had lived for a very short time in the matrimonial home. While on duty on the border he had learnt that the complainant had conceived and had given a birth of a child which aggrieved him because during this period he never visited the complainant and in retaliation the present complaint has been filed.

Counsel for the complainant submits that since the Petitioner no. 2 never appeared before the Meditation Centre he should also be put on trial.

Considering the nature of allegations which suggests that the main grouse is against the husband, I am inclined to quash the proceeding as against the rest of the petitioners. The application is allowed and the order of cognizance dated 17.04.2010 passed by the

Sub-Divisional Judicial Magistrate, in Complaint Case No. 1900C of
2009 Tr. No. 2309 of 2010 is hereby set aside.

(Anjana Prakash, J)

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