

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13021 of 2013

Arising Out of PS.Case No. -643 Year- 2003 Thana -ROHTAS COMPLAINT CASE District- -

- =====
1. Maya Devi W/O Late Kashi Nath Sah Resident Of Village- Mulayam Nagar, P.O.- Chinhat, P.S.- Gazipur, District- Lucknow (U.P.)
 2. Manoj Sah S/O Late Kashinath Sah Resident Of Village- Mulayam Nagar, P.O.- Chinhat, P.S.- Gazipur, District- Lucknow (U.P.)
 3. Suman Sah @ Sunil Sah S/O Late Kashinath Sah Resident Of Village- Mulayam Nagar, P.O.- Chinhat, P.S.- Gazipur, District- Lucknow (U.P.)
 4. Bharath Sah S/O Late Kashinath Sah Resident Of Village- Mulayam Nagar, P.O.- Chinhat, P.S.- Gazipur, District- Lucknow (U.P.)
 5. Seema Devi W/O Mantoo Gupta Resident Of Village- Nonar, P.S.- Ramgarh, District- Kaimur

.... Petitioner/s

Versus

State of Bihar & Anr

.... 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: 15-09-2015

No one appears on behalf of the O.P. No. 2.

The petitioners seek quashing of the order dated 22.01.2013 by which the objection of the petitioners that territorial jurisdiction of the Court is not made out, has been rejected by the Sub-Divisional Judicial Magistrate, Sasaram in Complaint Case No. 643 of 2003.

The case of the complainant is that his daughter was married to the Petitioner no. 2 on 11.02.1998 at Banaras on which occasion large number of gifts were given to the in-laws. Out of

marriage three children were born and she were living in matrimonial home. Later on the accused persons sent her to the matrimonial home for taking dowry and when she returned they tortured her and hence the present complaint.

It has been submitted on behalf of the petitioners that evidently the allegations appear to be false since it is impossible to believe that a person who was married in the year 1998 would be tortured for ends of dowry even after such a long duration of marriage and birth of three children. The allegation of torture for non fulfillment of dowry appears only for bringing the case within purview of Section 498A IPC.

Having considered the aforesaid facts, the application is allowed and the order dated 22.01.2013 passed by the Sub-Divisional Judicial Magistrate, Sasaram in complaint Case No. 643 of 2003, is hereby set aside.

(Anjana Prakash, J)

Prakash/-

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