

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No. 12827 of 2013**

Arising out of P.S. Case No. -179 Year- 2011 Thana -  
PATRAKARNAGAR District- -

- =====
1. Niranjana Prasad S/o Late Dhanu Prasad Resident of Mohalla Hanuman Nagar, Saket Puri, Road No. 2, P.S. Patrakar Nagar, District Patna.
  2. Prem Ranjan S/o Niranjana Prasad Resident of Mohalla Hanuman Nagar, Saket Puri, Road No. 2, P.S. Patrakar Nagar, District Patna.
  3. Sanjiv Ranjan @ Sanjiv Kr. S/o Niranjana Prasad Resident of Mohalla Hanuman Nagar, Saket Puri, Road No. 2, P.S. Patrakar Nagar, District Patna. .... Petitioner/s

Versus

1. The State of Bihar.
2. Sanju Devi W/o Rajeev Ranjan Resident of Mohalla Saket Puti, Road No. 2, P.S. Patrakar Nagar, District Patna. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. D.K. Tiwary, Adv.

For the Opposite Party/s No.2 : None.

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

ORAL JUDGMENT

**Date: 12-10-2015**

No one appears on behalf of the Opposite Party

No. 2.

The Petitioners seek quashing of the order of cognizance dated 07.12.2011 passed by the Chief Judicial Magistrate, Patna in Patrakar Nagar P.S. Case No. 179 of 2011 (G.R. No. 4032 of 2011).

The case of the Informant is that her in-laws were demanding dowry and on 22.08.2011 they assaulted her and threw her out from the matrimonial home.

It has been submitted on behalf of the Petitioners that in fact the Informant was married to the Petitioner No. 2 but she had illicit relation-ship with her



brother-in-law and brother of Petitioner No. 2 which was not liked by the rest of the family members. However, the Petitioner No. 2 finding no option agreed to a decree of divorce on mutual consent and the marriage was dissolved by order dated 04.02.2006 in Matrimonial Case No. 84 of 2005 by the Principal Judge, Family Court, Patna. In such a situation, when the marriage had already been dissolved there was no question of demand of dowry. The present First Information Report appears to have been instituted only with a view to grab the property of the Petitioners.

Having considered the background facts as well as the vague nature of allegations in the First Information Report, the entire proceeding as against all the accused persons including the order of cognizance dated 07.12.2011 passed by the Chief Judicial Magistrate, Patna in Patrakar Nagar P.S. Case No. 179 of 2011 (G.R. No. 4032 of 2011) is, hereby, set aside.

The Application stands allowed without prejudice the right of the parties.

**(Anjana Prakash, J.)**

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