

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30718 of 2014

Arising Out of PS.Case No. -1489 Year- 2007 Thana -GAYA COMPLAINT CASE District- GAYA

1. Shiv Kumar Son of Late Deo Kumar Resident at Churdewa Colony Q. No. 21/1P, P.S. Nkimongra Dist.-Korwa (Chhatishgarh)

.... Petitioner/s

Versus

1. State of Bihar
2. Kumkum Kumari Wife of Rakesh Kumar, D/o Radhey Prasad Resident of Village :- Fatehpur, P.S. Belaganj, Dist.-Gaya

.... Opposite Party/s

With

Criminal Miscellaneous No. 40624 of 2014

Arising Out of PS.Case No. -1489 Year- 2007 Thana -GAYA COMPLAINT CASE District- GAYA

1. Rakesh Kumar Son of Shiv Kumar
2. Dukhani Devi Wife of Shiv Kumar
3. Jitendra Kumar Son of Shiv Kumar
4. Ranju Devi Wife of Jitendra Kumar, all resident of Mohalla- Churdewa Colony, Q. No.-21/1P, P.S.- Nakimongra, District- Korwa (Chhatishgarh)

.... Petitioner/s

Versus

1. The State of Bihar
2. Kumkum Kumari D/o Radhey Prasad resident of village- Fatehpur, P.S.- Belaganj, District- Gaya

.... Opposite Party/s

Appearance :

(In Cr.Misc. No. 30718 of 2014)

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

For the State Ms. Rina Sinha, APP

For Opposite Party No.2 : Mr. Anil Kumar Saxena, Advocate

(In Cr.Misc. No. 40624 of 2014)

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

For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 20-08-2015

Counsel for the Petitioners seeks permission to withdraw

the application so far as the Petitioner No.1 of Cr.Misc.No.40624 of 2014 is concerned.

Application as against the Petitioner No.1 of Cr.Misc.No.40624 of 2014 is dismissed as withdrawn.

The rest of the Petitioners, who are the father-in-law, mother-in-law, brother-in-law (Devar) and sister-in-law (Devrani) of the Opposite Party No.2, seek quashing of the order of discharge dated 5.6.2014 passed by the court of Mrs. Kumari Vijaya, Judicial Magistrate, 1st class, Gaya in Complaint case No.1489C of 2007 (Trial No.418 of 2014).

The case of the Complainant is that she was married to Rakesh Kumar on 29.4.2007 whereafter she went to her matrimonial home. After two and half months she came back to her maternal home and then once again she went to her matrimonial home. She found that her husband did not love her and assaulted her brutally. She also learnt that her husband remarried another lady.

It has been submitted on behalf of the Petitioners that on going through the facts of the Complaint Petition it appears that the main grouse of the Complainant is against her husband, who had allegedly remarried and where the Petitioners are concerned evidently there could be no role in the said transaction.

On the other hand, the Counsel for the Complainant

submits that since the Petitioners are father-in-law, mother-in-law, brother-in-law (Devar) and sister-in-law (Devrani) of the Opposite Party No.2, they should be put on trial.

Having considered the vague nature of allegations against the Petitioners as also that the grouse of the Complainant appears to be directed towards her husband, I am inclined to agree with the submission of the Petitioners. Hence, both the applications are partly allowed and the proceeding including the order of discharge dated 5.6.2014 passed by the court of Mrs. Kumari Vijaya, Judicial Magistrate, 1st class, Gaya in Complaint case No.1489C of 2007 (Trial No.418 of 2014) is hereby set aside so far as the Petitioners are concerned.

(Anjana Prakash, J)

Narendra/-

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