

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 37149 of 2012

Arising out of P.S. Case No. -326 Year- 2011 Thana -Bahera
District- DARBHANGA

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1. Binod Yadav, Son of Sikandar Yadav.
2. Horil Yadav, Son of Sikandar Yadav.
3. Dev Rani Devi, Wife of Sikandar Yadav.
4. Rangila Devi, Wife of Binod Yadav.
5. Radha Devi, Wife of Horil Yadav.
6. Sikandar Yadav, Son of Late Shitlab Yadav.
All are Resident of Village-Katwara, P.O.-Sajanpura, Police
Station-Bahera, District-Darbhanga. Petitioner/s
Versus

1. The State of Bihar.
2. Sita Devi, D/o Ram Prasad Yadav, Resident of Village-Jakauli,
P.O.-Batho, Police Station-Bahera, District-Darbhanga.
.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. G. C. Jha, Adv.
For the Opposite Party/s : Mr. K.K. Jha, Adv.
For the State : Mr. R.B. Roy "Raman", APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT
Date: 22-06-2015

The Petitioners who are the in-laws of the
Opposite Party No. 2 seek quashing of the order of
cognizance dated 21.06.2012 passed by the Additional
Chief Judicial Magistrate, Benipur, Darbhanga in Bahera
P.S. Case No. 326 of 2011.

The case of the Informant is that she was
married to Bipin Kumar Yadav on 29.07.2007 on which
occasion large number of gifts were given to the in-laws.
However, when she came to matrimonial home she was
tortured for ends of dowry and finally thrown out of the
matrimonial home.

It has been submitted on behalf of the
Petitioners that fact of the matter is that the Informant

did not want to live in matrimonial home and fled away on account of which the husband filed a Maintenance Case No. 185 of 2011 under Section 9 of the Hindu Marriage Act. However, she did not return despite the same and thereafter filed the present First Information Report. As per the allegations in the present case against the present Petitioners is totally vague and superficial which do not make out an offence under Section 498A IPC.

On the other hand, the Counsel for the Informant submits that since the Petitioners were close relatives of the Informant and had committed theft of her articles they should be put on trial.

Having gone through the facts of the First Information Report, the proceeding as against the Petitioners including the order of cognizance dated 21.06.2012 passed by the Additional Chief Judicial Magistrate, Benipur, Darbhanga in Bahera P.S. Case No. 326 of 2011 is, hereby, set aside.

The application stands allowed.

However, quashment of the present proceeding shall have no bearing on the case of the husband.

Vikash/-

(Anjana Prakash, J.)

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